

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC099
DA Number	DA/644/2017
LGA	City of Parramatta Council
Proposed Development	Construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking and retail tenancies and a boat launching channel.
Street Address	9-11 Burroway Road – Wentworth Point Lot 203 & 204 DP 1216628
Applicant Owner	Roads and Maritime Services Roads and Maritime Services
Date of Lodgement	28 July 2017
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria	Crown Development >\$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • SEPP 55 – Remediation of Land • SEPP (Infrastructure) 2009 • SEPP 64 – Advertising and Signage • SREP 24 – Homebush Bay • SREP (Sydney Harbour Catchment) 2005 • Auburn LEP 2010 • Wentworth Point Precinct DCP 2014 • Sydney Harbour Foreshores and Waterways Area DCP 2005
List of Relevant Documents	As appearing in Condition 1 of Attachment B
Report Prepared By	Kate Lafferty – Executive Planner
Report Date	23 May 2018

Summary of S4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

1. Summary

This report considers an application proposal for the construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking and retail tenancies and a boat launching channel.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

2. Key Issues

- Minor variations to Wentworth Point Precinct DCP – building form and setbacks.
- Environmental considerations.

3. Site Context

The subject site relevant to this application relates to part of Homebush Bay and is located to the east of Burroway Road and at the western edge of the foreshore on land both above and below the Mean High Water Mark (MHW). The site consists of the following:

- Part of Homebush Bay (i.e. that part of the marina on land below the Mean High Water Mark)
- Part of Lots 203 and 204 in DP 1216628 (i.e. that part of the marina precinct on land above the Mean High Water Mark).

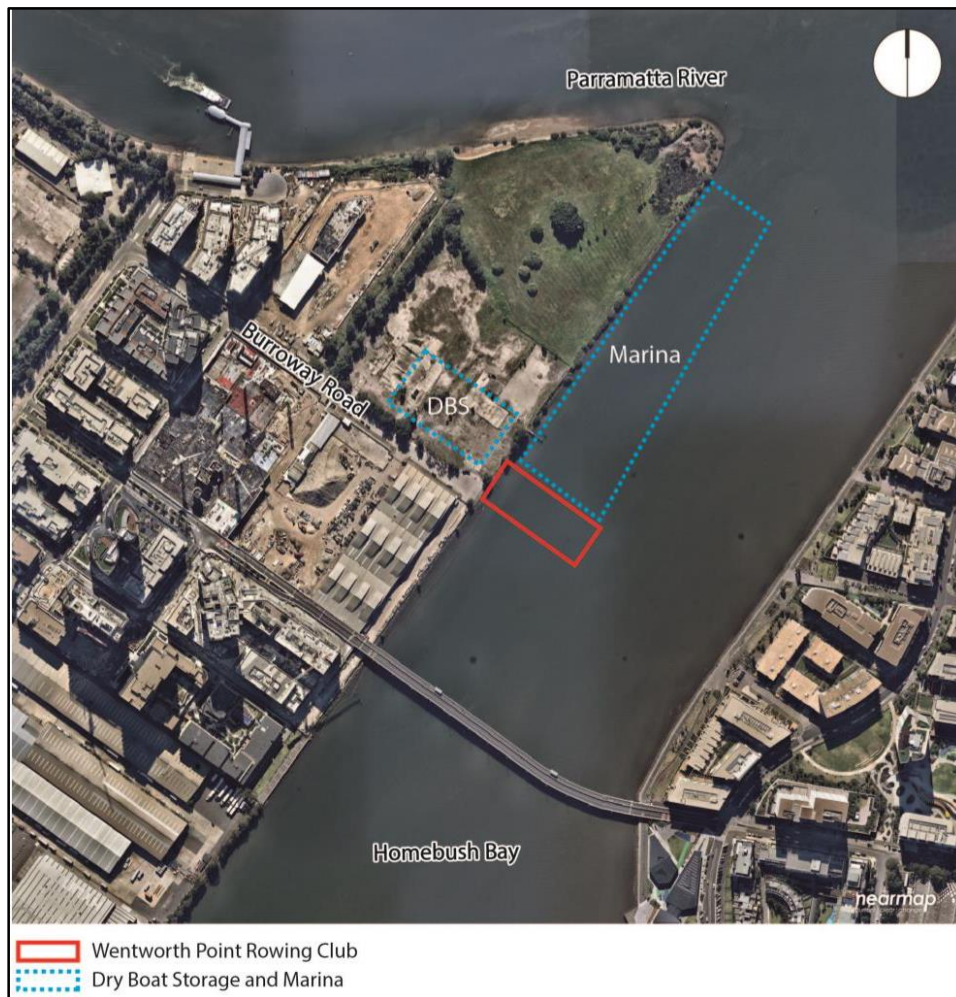
The subject site adjoins the existing foreshore at the termination of Burroway Road and northwards. The site is a vacant former industrial site. The site primarily includes a land component of 9,159m² (Lot 204) located above the MHW and a 17,250m² water component. Parts of Lot 203 will be used for access purposes only.

The land above and below the MHW is owned and administered by RMS.

The subject site is part of the identified Maritime Precinct within the Wentworth Point Urban Activation Precinct (rezoned by DPI on 4 July 2014).

Whilst this current application only involves the marina (wet and dry berth), the RMS have lodged a separate application with Council for the adjoining rowing club (DA/643/2017).

An indicative location of the new maritime facilities (including the proposed marina, dry boat storage and rowing club facility) is identified in the following plan.



The Wentworth Point Precinct is currently undergoing transformation from an industrial suburb into a growing high density residential community. Wentworth Point Primary School and mixed use high rise are in close proximity to the site. The majority of Lot 203 (which forms part of the subject site) is earmarked for residential redevelopment and Lot 202 (located adjoining to the north) is to be redeveloped as the Wentworth Point peninsula park.



Location of Proposed Wet Berth Marina



Location of Proposed Dry Dock Building

4. Background

The table below indicates the recent planning applications for this site.

Application	Description of Works	Approval Status
DA-273/2014 (Auburn)	Subdivision Subdivision of 1 lot into 4 Torrens Title allotments	Approved Auburn Council 27 November 2015
DA-40/2015 (Auburn)	Infrastructure DA Staged development proposal for distribution of gross floor area across lots 203 to 204 including demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, sea wall and public domain works and further subdivisions to create roads	Approved JRPP 17 February 2016
DA-301/2015 (Auburn)	Stage 1 concept application for the rowing club	Approved JRPP 21 April 2016
DA/643/2017	Stage 2 detailed application for the rowing club Construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon.	Pending determination
DA/644/2017 This subject application	Marina and Dry Boat Store Construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking, retail tenancies and a boat launching channel.	Pending determination

5. The Proposal

This application seeks approval for the following development, forming part of the Wentworth Point Maritime Precinct:

- Wet berths with the capacity to berth 63 vessels, including:
 - 19 vessels up to 12m in length
 - 44 vessels up to 15m in length
 - 2 additional casual berths for small craft and water taxis
 - 4 temporary berths for dry boat storage
 - vessel sewage pump-out and oily bilge facilities
 - navigational aids.
- A dry boat storage (DBS) facility, including:
 - stacked dry berths to accommodate 228 vessels up to 10m in length
 - five retail tenancies containing a combined 946m² of GFA
 - a maintenance bay
 - office and customer waiting lounge
 - car parking for 198 vehicles and additional spaces for trailer parking.
- A new 8m wide boat launching channel between the DBS and Homebush Bay
- Foreshore access including a pedestrian bridge over the launching channel

- Ancillary works and associated infrastructure.

Capital Investment Value = \$26,936,189
Crown Application

The application is classified as designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (marinas or other related land and water shoreline facilities).

DESCRIPTION OF WORKS

Wet berth marina

The proposed wet berths will be constructed as a series of floating pontoon walkways and fingers held in place with vertical driven piles. The wet berths will comprise six floating arms extending perpendicular to the main connecting north-south walkway that runs parallel to the shore. The six arms will accommodate a total of 63 berths (being 19 x 12m berths and 44 x 15m berths), plus 2 casual berths for water taxis and small vessels, along with a sewage and oily bilge pump out berth.

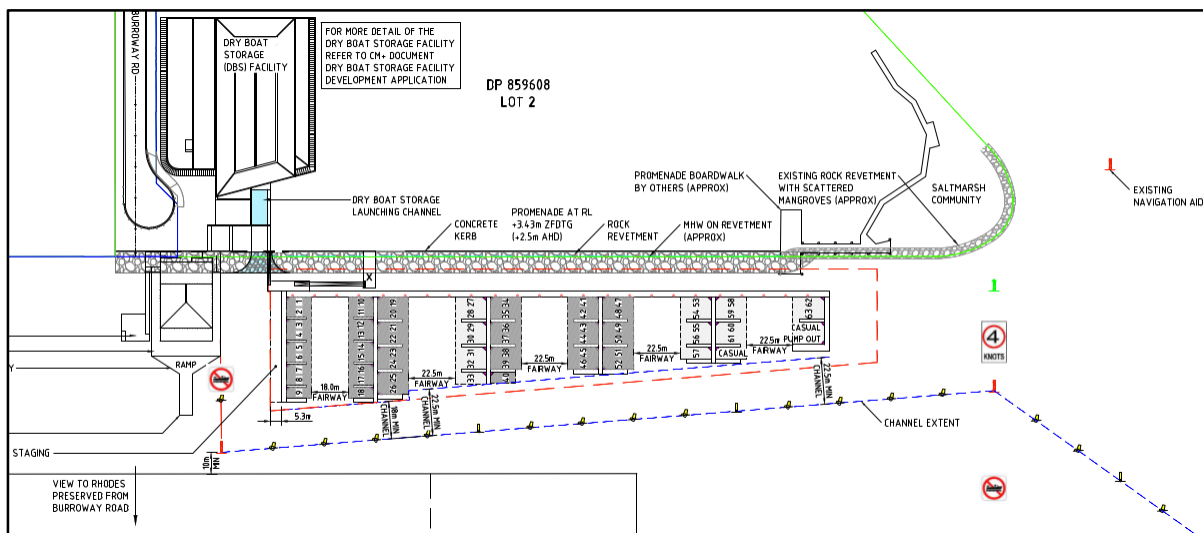
The minimum under keel clearance below the draft of all vessels (berths and fairways) is 0.65m which includes allowances for wave movement, sedimentation and 0.3m clearances. No dredging is required or proposed to accommodate the vessels within Homebush Bay.

The wet berths will be supplied with potable water, 3 phase power, lighting and communications (telephone, internet and cable TV). These services are to be available to the berths via low height service pedestals.

Access from the promenade to the marina is provided at the southern end of the site, just north of Burroway Road. The access point from the foreshore is via a gangway, connected to a series of floating pontoons forming walkways and fingers. This access point will be secured 24 hours 7 days a week by gates and restricted to users of the marina. A key card system, or similar arrangement, will operate the security gates.

The proposed sewage pump out and oily-bilge facility will mainly be for use of all craft at the marina, but may occasionally be used by members of the public boating community when visiting the marina by arrangement. The pump-out facility will direct discharge to the land based sewer system.

Navigational aids and signage will be provided for boats entering and leaving the marina. The aids will include fixed beacons, lighting and floating buoy markers to direct vessels towards the head of the bay at the Parramatta River junction, inhibiting movement in an easterly direction where shallow water is present.

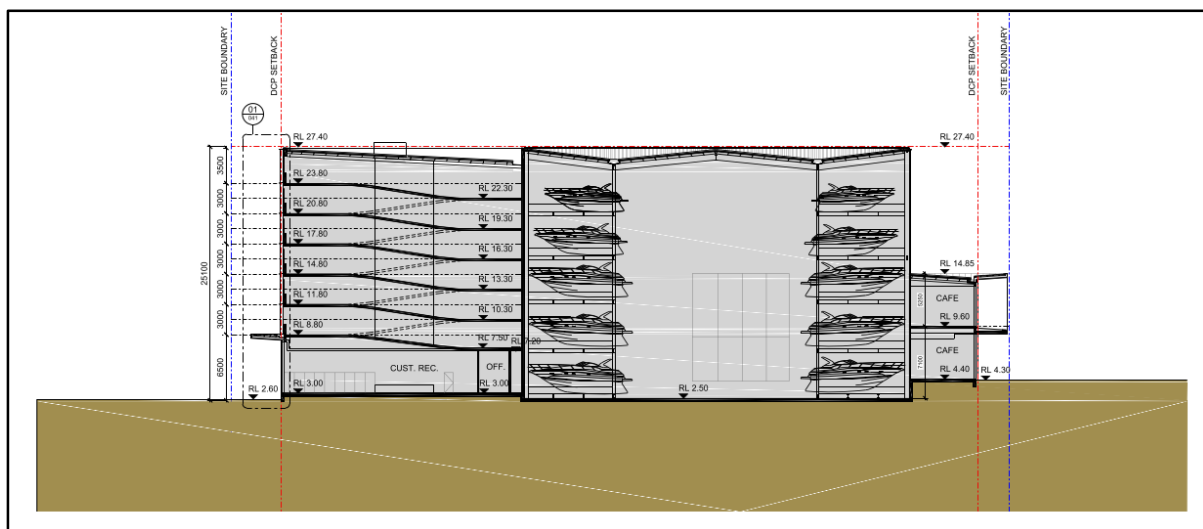


Dry Boat Store (DBS)

The DBS is located on the northern side of Burroway Road adjoining the Homebush Bay promenade. The building ranges from 2 storeys (northern retail tenancies) to a maximum of 7 storeys (car park adjoining Burroway Road) with a centrally located 24.9m high storage facility for boats. The DBS has the capacity to store 228 boats over 5 levels with a central void to accommodate the manoeuvring of boats via forklift. Ancillary uses including a customer waiting lounge and maintenance bay are located on the ground floor level.

The building will use a combination of contemporary materials including the following:

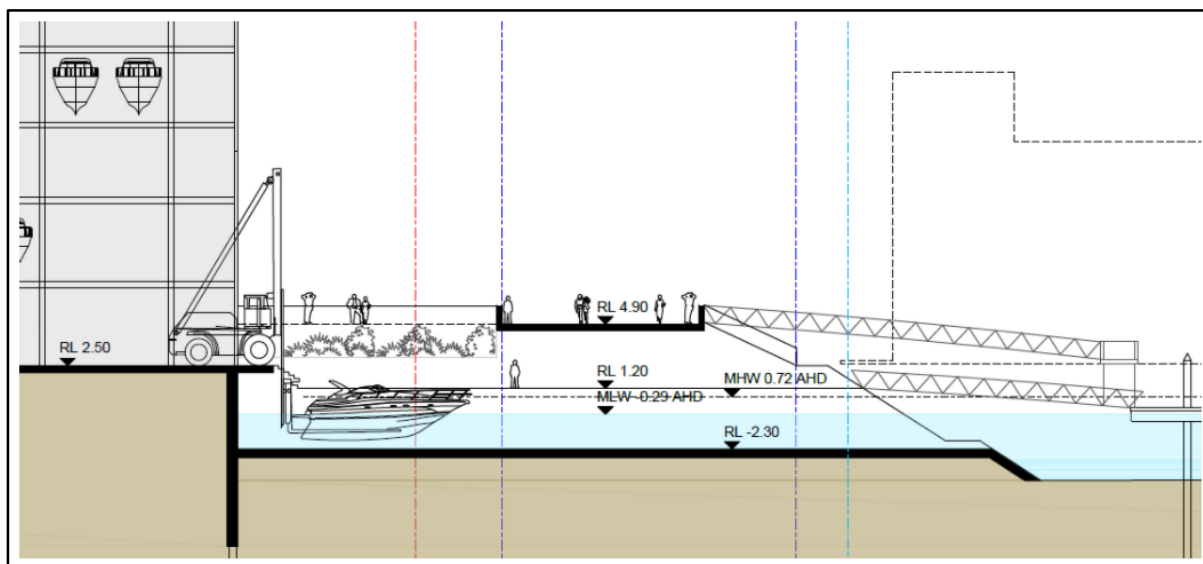
- Powder-coated perforated aluminium panels to screen the proposed car park at upper levels
- Glass panels comprising the façade of the boat storage areas
- Natural finish concrete
- Powder-coated aluminium louvres fixed to walls and doors at ground level
- Clear glazing panels and doors at ground level
- Vinyl-coated polyester fabric door (providing access to the launch channel)
- Powder-coated aluminium panel awning along the northern frontage retail tenancies.



DBS Section indicating Car Park and Boat Storage (DA032 - Conybeare Morrison)

Launching Channel

A launching channel to an overall depth of 7.5m (approximately 5m below existing ground level) is proposed to be excavated between the DBS and Homebush Bay with the landward section lined with a pre-cast concrete structure. A pedestrian bridge over the launching channel will form part of the public promenade and an access platform within the channel will assist with boat launching and retrieval. The pedestrian bridge has a clearance of 4.18m to the MHW. Boats will be transported from the storage area to the launching channel using forklifts. Four temporary berths are proposed along the southern end of the marina which will allow for staged boat launching from the DBS.



Cross section of boat launching channel (DA031 – Conybeare Morrison)

Retail Tenancies

There are 4 retail tenancies proposed on the ground (and partial 1st floor) of the DBS building, being the following:

Tenancy	Floor Space	Location
01	216m ²	Northern side of the DBS adjoining the future plaza area
02	252m ²	Northern side of the DBS adjoining the future plaza area
03	394m ²	Northern side of the DBS adjoining the future plaza area
04 (noted as 05 on the plans)	84m ²	Fronting Burroway Road

The retail tenancies have access to loading, waste and sanitary facilities within the DBS.

Car Parking

Car parking is proposed to be provided within the dry boat storage (DBS)/car parking building located to the west of the rowing club, with access via Burroway Road. A total of 198 car parking spaces are provided over six levels of parking located on the southern side of the DBS building. Motorcycle and bicycle parking is also provided. These parking spaces will be shared across all maritime uses (including the rowing club, marina, dry boat store and retail tenancies).

Promenade Works

The landscaping and public domain of the maritime precinct was previously approved as part of the site establishment works for the Burroway Road UAP (DA-40/2015 – Auburn Reference) and includes a landscaped promenade along the edge of Homebush Bay. This area will consist of a paved walkway and include feature paving bands, large format maritime timber sleepers, and feature lighting.

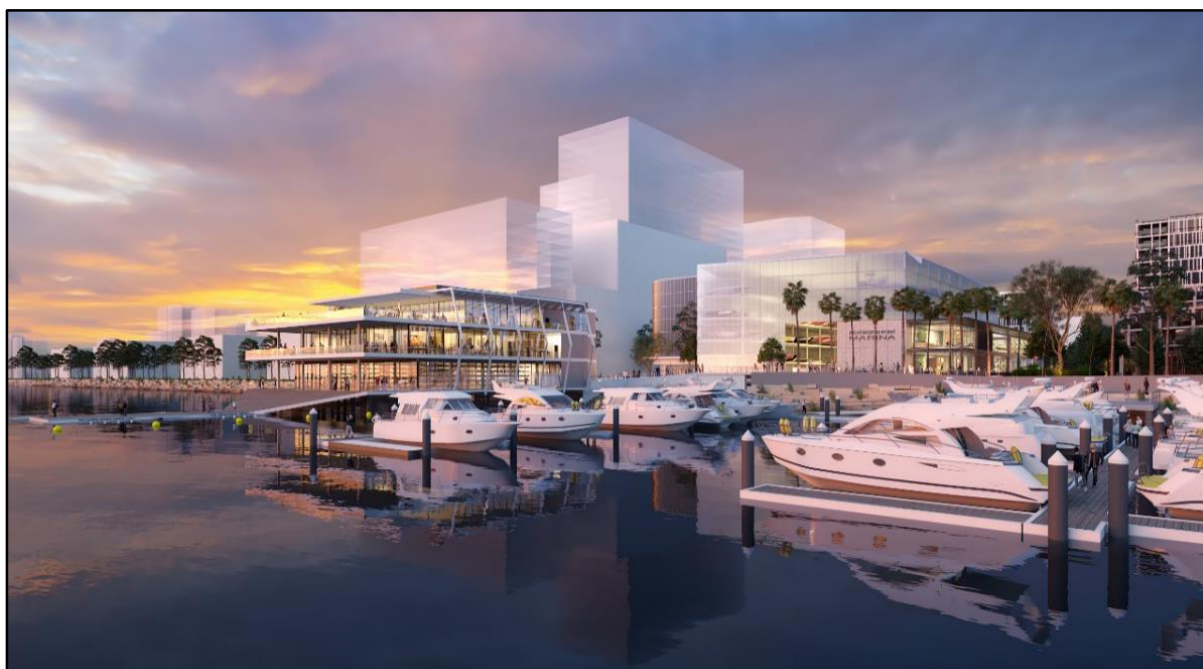
As the proposed development now incorporates the provision of a launching channel, raised pedestrian bridge, and changes to the Burroway Road public domain, these specific works are included within this current application for the marina.

Additional Ancillary Works

Additional works around the western and northern perimeter of the DBS are proposed, including the battering and turfing of the land to provide emergency service access around the site. A temporary bitumen access path is also proposed between the DBS and the marina access platform. These works are temporary in nature until such time as the remainder of the maritime precinct is developed.



**Photomontage of proposed dry boat storage building as viewed from the promenade
(eastern end of Burroway Road)**



Photomontage of proposed marina, rowing club and dry boat storage building
(as viewed from Homebush Bay)

6. Permissibility

The site is subject to the permissibility provisions of 2 separate environmental planning instruments as the works are partially land based and partially water based. These are discussed below.

<p>Land Based Activity (dry boat store, retail tenancies, launching channel and access to marina)</p>	<p>Auburn LEP 2014 – B1 Neighbourhood Centre</p> <p>Boat related uses are permissible with consent <input checked="" type="checkbox"/> Clause 6.10 <i>(1) This clause applies to land at Wentworth Point, identified as “Wentworth Point Maritime Precinct” on the Key Sites Map.</i> <i>(2) Despite any other provision of this Plan, development of the land to which this clause applies for any of the following purposes is permissible with development consent:</i> <i>(a) boat building and repair facilities,</i> <i>(b) boat launching ramps,</i> <i>(c) boat sheds,</i> <i>(d) marinas.</i></p> <p>The retail tenancies are permissible with consent <input checked="" type="checkbox"/> Commercial premises means any of the following: <i>(a) business premises,</i> <i>(b) office premises,</i> <i>(c) retail premises.</i></p>
<p>Water Based Activity (wet berth marina)</p>	<p>SREP (SHF) 2005 – W1 Maritime Waters</p> <p>Commercial marinas are permissible with consent <input checked="" type="checkbox"/> commercial marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including: <i>(a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and</i></p>

	<p>(b) any facility for providing fuelling, sewage pump-out or other services for boats, and</p> <p>(c) any facility for launching or landing boats, such as slipways or hoists, and</p> <p>(d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and</p> <p>(e) any associated single mooring, but does not include a boat repair facility or a private marina.</p>
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7. Public Notification

The application was advertised and notified between 31 October 2017 and 2 October 2017 (30 days). No submissions were received.

The application was re-advertised between 25 January and 26 February 2018 (30 days) to include the use of Lot 203 (9 Burroway Road) for access to the wet berth marina facilities and temporary emergency vehicle access. Reference to this lot was omitted in the original DA form and subsequent original exhibition. No submissions were received as a result of the re-notification.

8. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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9. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	Yes
Does Section 4.46 (Integrated Development) apply?	No
Are submission requirements within the Regulations satisfied?	Yes

10. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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11. Sydney Regional Environmental Plan 24 – Homebush Bay

The following table is a summary assessment against the SREP. A detailed evaluation is provided at **Attachment A**.

SREP Section	Comment or Non-Compliances
Part 1 - Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 - General provisions relating to development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 - Special provisions relating to development	<ul style="list-style-type: none"> Consistent with Wentworth Point Precinct DCP All relevant provisions satisfied
Part 4 - Protection of the natural environment and heritage items	<ul style="list-style-type: none"> All relevant provisions satisfied

12. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following table is a summary assessment against this SREP. A detailed evaluation is provided at **Attachment A**.

SREP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 – Planning Principles	<ul style="list-style-type: none"> Consistent with the planning principles
Part 3 – Foreshores and Waterways Area	<ul style="list-style-type: none"> Permissible and consistent F&WPDA Committee consulted and satisfied
Part 4 – Strategic Foreshores Sites	<ul style="list-style-type: none"> Not Applicable
Part 5 – Heritage Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied
Part 6 – Wetlands Protection	<ul style="list-style-type: none"> All relevant provisions satisfied

13. Auburn Local Environmental Plan 2010

LEP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 – Permitted or Prohibited Development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 – Exempt & Complying Development	<ul style="list-style-type: none"> Not Applicable
Part 4 – Principal Development Standards	<ul style="list-style-type: none"> Compliant
Part 5 – Miscellaneous Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied
Part 6 – Additional Local Provisions	<ul style="list-style-type: none"> All relevant provisions satisfied

14. Wentworth Point Precinct Development Control Plan 2014

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Part 1 – Introduction	<ul style="list-style-type: none"> Consistent
Part 2 – Vision, Principles & Indicative Structure	<ul style="list-style-type: none"> Consistent
Part 3 – Public Domain	<ul style="list-style-type: none"> Consistent
Part 4 – Private Domain	<ul style="list-style-type: none"> Consistent
Part 5 – Sustainability & Environmental Management	<ul style="list-style-type: none"> Consistent

15. Sydney Harbour Foreshores and Waterways Area DCP 2005

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Section 1 – Introduction	<ul style="list-style-type: none"> Consistent
Section 2 – Ecological Assessment	<ul style="list-style-type: none"> Consistent
Section 3 – Landscape Assessment	<ul style="list-style-type: none"> Consistent
Section 4 – Design Guidelines (Water & Land/Water Based)	<ul style="list-style-type: none"> Consistent
Section 5 – Design Guidelines (Land Based)	<ul style="list-style-type: none"> Consistent

16. Response to Panel Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 7 February 2018.

The key issues discussed at the Panel Briefing Meeting are as follows:

The following matters require attention in the assessment:

Matter Raised	Planning Comment
Design and treatment of the public domain	<p>The promenade and associated public domain areas have been approved through the previous infrastructure development application on the site. Changes are required to the section of the promenade adjoining the dry boat store, rowing club and Burroway Road. These changes are required primarily to accommodate a pedestrian bridge across the launching channel and to ensure adequate gradients are provided to allow for overland flow.</p> <p>Council's Urban Design (Public Domain) team have reviewed the documentation and are generally supportive of the design subject to minor modifications and the provision of more detailed information (including paving pattern and materials and tree planting details) in further final public domain construction plans to be submitted before the certification of works.</p> <p>Appropriate conditions have been incorporated into the Recommendation section of this report.</p>
NSW EPA concerns with the recreational use of Homebush Bay (potential health risks).	<p>The NSW EPA have concerns regarding the potential health and environmental risks associated with the recreational use of Homebush Bay due to the level of contaminants contained within the Bay. The NSW EPA have agreed to the imposition of appropriate conditions requiring the submission of more detailed information, particularly within the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP) and the approval of these documents by a site auditor.</p>
Remediation of land	<p>Numerous environmental investigations have been undertaken across the Wentworth Point site throughout the rezoning and planning stages. These studies have identified that Lot 204 is impacted by a combination of petroleum hydrocarbons, metals, polycyclic aromatic hydrocarbons (PAHs), asbestos (bonded and friable) and hazardous ground gases, as well as the presence of potential acid sulphate soils.</p> <p>The applicants have therefore submitted a Remediation Action Plan to address the contaminated land on the subject site. The RAP is titled <i>Detailed Remediation Action Plan - Dry Boat Store Wentworth Point Development</i> prepared by WSP Parson Brinckerhoff dated May 2017 (Project No 2270635A).</p> <p>The consultants have determined the most appropriate method of remediation for the site is capping which will ensure the site is suitable for the proposed development. This view is supported by the Site Auditor in the Interim Audit Advice document.</p>

	<p>The remediation action plan and interim site audit advice state that the site will be suitable for the proposed use as a commercial facility subject to the implementation of the measures contained within the remediation action plan.</p>
Impacts on the waterway	<p>The DBS is unlikely to have any significant impacts upon the waterway as all stormwater will be collected and treated before discharge to the bay.</p> <p>The construction and operation of the marina has the potential to impact upon the waterway, particularly through the disturbance of sediments within Homebush Bay. Impacts will be mitigated, minimised and avoided through the adoption of a Construction Environmental Management Plan (CEMP) and an Operational Environmental Management Plan (OEMP). These plans incorporate measures relating to construction methodology to be employed (eg. piling and use of pea gravel), installation of silt curtains and operational measures relating to anchoring and mooring, designated navigational channels and speed restrictions.</p> <p>In addition, the following is noted:</p> <ul style="list-style-type: none"> • Wastes accidentally spilt into the waterway may create adverse impacts on water quality and visual aesthetics if not controlled. The provision of sewage and oily bilge pump out systems connected to the onshore sewerage system will mitigate the problem with these wastes. • Oil spill response kits will be readily available to marina and DBS facility users to assist in dealing with accidental fuel or oil spills occurring from boats during marina and DBS facility operation.
Adequate car parking	<p>The DBS building contains a 6 storey car park containing 198 car parking spaces, 14 motorcycle spaces and 14 bicycle spaces. These spaces are to be shared across the maritime precinct uses, with 100 spaces specifically allocated to the rowing club.</p> <p>Council's Traffic Officer has reviewed the application and is supportive of the proposal subject to increasing the provision of bicycle storage to 30 spaces (which the applicant has indicated on plan can be provided external to the DBS).</p> <p>The application provides for trailer parking on the site for use by the rowing club only. This parking is not for the daily movement of boats into and out of the DBS. Rowing boats will be kept in the Rowing Club and launched directly into the water from the club without requiring movements onto Burroway Road. Should the rowing club attend an off-site regatta, the boat trailers will be used to transport rowing boats. Rowing trailers will be used for taking boats to regattas (likely to occur on a Friday/Saturday evening load and Saturday/Sunday evening return to the club). No regattas are proposed at Homebush Bay.</p> <p>A loading zone is proposed on Burroway Road adjoining part of the DBS. This is primarily to allow for the unloading of rowing boats (approximately twice per week for transporting rowing boats to</p>

	<p>regattas) and mini bus set down/pick up. Council's Traffic Officer raises no objection to this, however it is noted that the area will more likely be time limited parking, rather than a loading zone.</p> <p>It is considered that there is sufficient vehicle parking provided for the proposal.</p>
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17. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. The application is recommended for approval subject to the imposition of appropriate conditions.

18. Recommendation

That the Sydney Central City Planning Panel approve the application DA/644/2017 subject to the conditions contained within **Attachment B** of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SCCPP Reference:	2017SWC099
DA No:	DA/643/2017
Address:	9-11 Burroway Road – Wentworth Point

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer Section 4 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 5 below
Section 4.15 (1)(a)(iii)a - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 3-8 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 10 below

Referrals

The following external and internal referrals were undertaken:

External Referrals	
WaterNSW	<p>Whilst it is noted that the integrated provisions under the EP&A Act 1979 do not apply to development applications by the Crown, it is considered good practice to refer the subject application to the DPI Water for their information and comment as the subject land adjoins the river foreshore - Homebush Bay.</p> <p>DPI Water raised no objection to the proposal as the RMS (as a public authority) are exempt from requiring a controlled activity approval. Notwithstanding this, it was considered appropriate that the applicant consider the Riparian Corridor Guidelines released by the Department in 2012. The applicant has provided a satisfactory response to this matter, and acknowledges that although no riparian corridor has been established for the Wentworth Point Peninsula, consideration has been given to the guidelines and specifically, the development (including the broader precinct development):</p> <ul style="list-style-type: none"> • Provides bed and bank stability through the construction/repair of the existing sea wall under a separate development consent • Protects water quality • Includes floating pontoon structures and piles which will provide new habitat for aquatic fauna • Controls the direction of flood flows • Provides an appropriate interface between the waterway and the built environment • Provides a range of passive recreational uses for the public.

	The applicant's response was forwarded to DPI Water who raised no further concerns with the application.
NSW Fisheries	<p>Whilst it is noted that the integrated provisions under s.89 of the EP&A Act 1979 do not apply to development applications by the Crown, it is considered good practice to refer the subject application to the DPI Fisheries for their information and comment as the subject land adjoins fish habitats along the river foreshore.</p> <p>DPI Fisheries reviewed the proposal and raised no objection subject to the imposition of an appropriate condition requiring the use of environmental safeguards (such as silt curtains, booms etc) being used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.</p>
NSW EPA	The NSW EPA have raised concerns with the historical contamination of Homebush Bay sediments (dioxin and associated compounds) and the need for an appropriately conservative approach to limiting sediment disturbance and mobilisation of dioxins in the Bay and out to Sydney Harbour. The EPA will need to review a more detailed CEMP & OEMP for the proposal, and have agreed to the imposition of appropriate conditions to this effect. Appropriate conditions have been incorporated within Attachment B.
Foreshores Committee	The application was referred to the Foreshores and Waterways Planning and Development Advisory Committee in accordance with the requirements under SREP (SHF) 2005. Correspondence received states that the Committee reviewed the proposal and raises no specific issues in relation to the proposed development.
RMS Boating Operations	The application was referred to the Operations and Compliance section of RMS who raise no objections and are fully supportive of the proposal from a maritime perspective.
OEH	The application was referred to the Office of Environment and Heritage who advised that the matter does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues that require a formal OEH response.
NSW Police (Crime Prevention)	The application was referred to the NSW Police for comment in regard to crime prevention. Correspondence from the Flemington LAC raises no concerns subject to the imposition of appropriate conditions regarding the installation and operation of CCTV, the provision of a security guard and the installation of security. Whilst the applicant is willing to install CCTV and provide signage, it is considered that a 24 hour security guard is unnecessary and financially onerous. Appropriate conditions have been incorporated within Attachment B.
SOPA	The application was referred to SOPA in accordance with the requirements contained within SREP 24 – Homebush Bay. SOPA have raised concerns and provided recommended conditions of consent with respect to construction impacts, operational impacts, noise, pollution incidents, marine pests, mangroves, transport and parking, European heritage and sea rise levels. The majority of these matters have been considered in detail by the NSW EPA. Notwithstanding this, conditions have been included in Attachment B where appropriate.
Ausgrid	Ausgrid have advised that there are underground electricity networks in Burroway Road and existing submarine cables at the end of

	Burroway Road into Homebush Bay. Ausgrid raise no objection to the proposal subject to the imposition of appropriate conditions. These conditions are incorporated within the recommendation at Attachment B.
Sydney Water	Sydney Water submitted correspondence primarily advising that the water mains on Burroway Road will need to be upsized and wastewater services for the site will need to be established. Conditions regarding Sydney Water Tap In and Section 73 approvals are included within the recommendation section of this report. Other comments are included as advisory notes to the applicant.
Internal Referrals	
Development Engineer	Council's Development Engineer has reviewed the proposed development and raises no concerns subject to the imposition of standard conditions and non-standard conditions relating to flooding, marine loading, and coordination of foundation works.
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or parking grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Conditions including compliance with AS2890, the provision of a construction traffic management plan and loading/time restricted zones have been incorporated within the recommendation section of the report.
Environmental Health (Waste)	Council's Waste Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for the development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination reports and supports the application subject to the imposition of appropriate conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and advises that the acoustic assessment submitted details noise monitoring conducted at the site to establish a rating background noise level and also details predicted noise levels related to the use of the site. It was concluded that noise from the dry boat storage, wet berth marina and the car park will all comply with the relevant noise criteria as they are low noise emitting activities. The application is supported subject to the imposition of standard conditions.
Building	Council's Building Certification Officer raises no objections to the proposed development subject to the imposition of standard conditions.
Urban Design Building	No objections are raised to the architectural design of the dry boat store. Urban Design do however raise an issue with the location of the garbage room on Burroway Road as it deactivates the public domain. The waste room is provided to service the entire maritime facilities, including the rowing club, dry boat store and the retail tenancies. Burroway Road is the only accessible road adjoining the proposed development and the location of the waste room is within an acceptable distance to all users within the maritime precinct. The location of the waste room is considered acceptable in the circumstances.
Urban Design Public Domain	Council's Urban Design (Public Domain) team have reviewed the documentation and are generally supportive of the design subject to

	minor modifications and the provision of more detailed information in further final public domain construction plans to be submitted before the certification of works.
Civil Assets	Council's Civil Assets have not raised any concerns with the proposal. Detailed civil plans will need to be submitted before construction works on Council land.
Natural Resources	Council's Natural Resources Officer has reviewed the documentation and raises no objection subject to further environmental matters being incorporated into the Construction Environmental Plan and Operational Environmental Plan. Appropriate conditions have been incorporated within Attachment B.
Community Crime Prevention	No objections are raised given the comments received from the NSW Police and the submission of a CPTED report with appropriate recommendations.
ESD – Sustainability	Council's Sustainability Officer raised concerns with a lack of commitment to provide an ecological sustainable development. The applicant has responded positively by increasing the provision of measures to be incorporated into the design to improve the sustainability of the building. Appropriate conditions have been incorporated within Attachment B.

2. Environmental Planning & Assessment Act 1979 (EPA Act)

2.1 Crown Development

Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by a public authority (not being a council) is a Crown development. Roads and Maritime Services is a public authority and therefore the development is a Crown development for the purposes of Part 4 Division 4.6 of the EPA Act.

Section 4.33 of the EPA Act precludes a consent authority, including a regional panel, from refusing a Crown development application, except with the approval of the Minister, or from imposing a condition of consent to a Crown development application, except with the approval of the applicant or the Minister.

2.2 Integrated Development

The integrated development provisions of the EPA Act do not apply to development applications made by, or on behalf of the Crown, in accordance with Section 4.44(2) of the EPA Act.

2.3 Designated Development

Clause 77A of the Environmental Planning and Assessment Act 1979 defines designated development as follows:

“77A Designated development

- (1) *Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.*
- (2) *Designated development does not include State significant development despite any such declaration.”*

The proposed development is listed under Schedule 3 of the EP&A Regulation 2000 as follows:

23 Marinas or other related land and water shoreline facilities

- (1) *Marinas or other related land or water shoreline facilities that moor, park or store vessels (excluding rowing boats, dinghies or other small craft) at fixed or floating berths, at freestanding moorings, alongside jetties or pontoons, within dry storage stacks or on cradles on hardstand areas:*
 - (a) *that have an intended capacity of 15 or more vessels having a length of 20 metres or more, or*
 - (b) *that have an intended capacity of 30 or more vessels of any length and:*
 - (i) *are located in non-tidal waters, or within 100 metres of a wetland or aquatic reserve, or*
 - (ii) *require the construction of a groyne or annual maintenance dredging, or*
 - (iii) *the ratio of car park spaces to vessels is less than 0.5:1, or*
 - (c) *that have an intended capacity of 80 or more vessels of any size.*
- (2) *Facilities that repair or maintain vessels out of the water (including slipways, hoists or other facilities) that have an intended capacity of:*
 - (a) *one or more vessels having a length of 25 metres or more, or*
 - (b) *5 or more vessels of any length at any one time.*

The application proposes a combined wet and dry berth of 291 vessels (and is additionally within 100m of a wetland) and therefore falls under the above category as designated development.

The application has been advertised, and stakeholders notified in accordance with the provisions of the EP&A Act and Regulation. The Department of Planning were notified that no submissions were received as a result of the exhibition process.

2.3 Protection of the Environment Operations Act 1997

The marina and boat storage facility constitutes a scheduled activity under Schedule 1 of the Protection of the Environment Operations Act 1997 ("POEO Act"). Under Section 47 of the POEO Act, work at any premises that is designed to enable a scheduled activity to be carried out at the premises is scheduled development works. The EPA will require a Scheduled Development Work licence for the construction phase of the proposal and an Environment Protection Licence for the ongoing operation of the marina and dry boat storage.

The application was referred to the NSW EPA for consultation. The NSW EPA were not considered a concurrence authority as the integrated provisions of the EPA Act do not apply to the Crown. The NSW EPA provided comments which are discussed further within this report.

3. Environmental Planning Instruments

Compliance with these instruments is addressed below.

3.1 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

Council's Environmental Health Officer has reviewed the application and reports as follows:

Numerous environmental investigations have been undertaken across the Wentworth Point site throughout the rezoning and planning stages. These studies have identified that Lot 204 is impacted by a combination of petroleum hydrocarbons, metals, polycyclic aromatic hydrocarbons (PAHs), asbestos (bonded and friable) and hazardous ground gases, as well as the presence of potential acid sulphate soils.

The applicants have therefore submitted a Remediation Action Plan to address the contaminated land on the subject site. The RAP is titled Detailed Remediation Action Plan - Dry Boat Store Wentworth Point Development prepared by WSP Parson Brinckerhoff dated May 2017 (Project No 2270635A).

The consultants have determined the most appropriate method of remediation for the site is capping which will ensure the site is suitable for the proposed development. This view is supported by the Site Auditor in the Interim Audit Advice document.

The remediation action plan and interim site audit advice state that the site will be suitable for the proposed use as a commercial facility subject to the implementation of the measures contained within the remediation action plan.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

3.2 State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Development likely to affect electricity transmission or distribution networks

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. Ausgrid have advised that there are underground electricity networks in Burroway Road and existing submarine cables at the end of Burroway Road into Homebush Bay. Ausgrid raise no objection to the proposal subject to the imposition of appropriate conditions. These conditions are incorporated within the recommendation at Attachment B.

3.3 State Environmental Planning Policy (State and Regional Development) 2011

The development is a Crown Application which has a capital investment value greater than \$5 million. This application is captured by Part 4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

3.4 State Environmental Planning Policy (Coastal Management) 2018

This policy applies to land within the coastal zone. The subject site (comprising the wet berth marina) is within the coastal zone as it is affected by the *coastal environment area* as identified within the policy maps.

The savings and transitional provisions contained within Clause 21 of the SEPP provide that the policy does not apply in this instance as the application was lodged before commencement of the policy. Notwithstanding this, the following sections under the Coastal Management SEPP should be considered as good practice in the assessment of the application:

Proximity Area for Coastal Wetlands (Division 1)	Based on the information provided to Council, it is considered that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.
Coastal Environmental Area Map (Division 3)	Clause 13 provides for consideration of matters for development on land within the coastal environment area. Notwithstanding this, the subject site is exempt from this provision as Clause 13(3) reads:

	<i>(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>
General Provisions (Division 5).	Development within this coastal zone is not likely to cause increased risk of coastal hazards on that land or other land, is not affected by any coastal management program and is permissible under the relevant planning instruments applying to the land.

3.5 State Environmental Planning Policy 64 – Advertising and Signage

The application proposes the following signage zones:

- South east elevation (facing the promenade): 8m x 2.8m (14.4m²)
- South west elevation (facing Burroway Road): 6.4m x 2.25m (22.4m²).

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Aims and Objectives

The proposed signage zones are compatible with the desired amenity and visual character of the area and the signage zones are consistent with the objectives as they seek to facilitate signage in locations which complement the architectural design of the dry boat store and the location on the foreshore promenade. The proposal provides effective communication in suitable locations and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

Assessment Criteria

The following table outlines the manner in which the proposed signage zones satisfies the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are considered compatible with the maritime facility.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs are compatible with the existing and future character of the area. The Wentworth Point Maritime Precinct and wider area is evolving to become a vibrant mixed-use precinct. The signage zones will facilitate the establishment of a consistent language between the marina and other maritime uses.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones will not detract from the amenity or visual quality of the surrounding foreshore or waterway area given they are located within the building envelope and on the façade of the proposed dry boat store building.
3 Views and vistas	
Does the proposal obscure or compromise important views?	All of the proposed signage is affixed to the approved building envelope and will not extend

Does the proposal dominate the skyline and reduce the quality of vistas?	above or beyond this envelope in a manner that would compromise any surrounding view corridors / important vistas.
Does the proposal respect the viewing rights of other advertisers?	
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage zones are of an appropriate scale in respect to the surrounding streetscape settings and the foreshore promenade.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage zones have been integrated with the design of the building facades. The detailed signs will contribute to the interest of the building when viewed from the public foreshore promenade. The proposed signage is compatible with the scale and proportion of the proposed building.
Does the proposal screen unsightliness?	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	
Does the proposal require ongoing vegetation management?	
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage zones are compatible with the scale and proportion of the proposed building and have been placed in a manner that respects and integrates with the building and its surrounds.
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No details of associated devices have been provided at this stage.
7 Illumination	
Would illumination result in unacceptable glare?	No details of illumination have been provided at this stage.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8 Safety	
Would the proposal reduce the safety for any public road?	The proposed signage zones will not reduce the safety of the adjoining public road, domain areas

	or obstruct any critical sight lines of cyclists, pedestrians or motorists.
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The application only provides for signage zones with limited detail including size and certain wording proposed. No details of the sign materials or illumination have been provided. A condition is included within the Recommendation section of this report requiring further approval of the sign details to be obtained before the installation of the signage.

3.6 Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area)

The relevant requirements and objectives of SREP24 have been considered in the following assessment table.

Requirement	Comment
Clause 10 Consent Authorities	As the development is a Crown Application and the cost of works exceeds \$5,000,000, the Sydney Central City Planning Panel is the determining authority.
Clause 11 Permissible Uses	The proposed development is considered to be permissible with consent as it satisfies the requirements of Clause 12 (See below).
Clause 12 Planning Objectives	<p>The proposal is considered to satisfy the objectives of the SREP for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development will not have any significant detrimental impact upon wetlands and woodlands. • The development application will facilitate recreational development as per the desired future character of the area. • The development takes advantage of the proximity of the Homebush Bay Area to the Parramatta River and Homebush Bay by encouraging development that enhances public access to those waterways and waterfront areas, while protecting flora and fauna habitats • Does not impact upon heritage, archaeological or environmental conservation areas.
Clause 13 Matters for Consideration (a) any relevant master plan prepared for the Homebush Bay Area	The development is generally consistent with the Wentworth Point Precinct Development Control Plan. See separate comments below.
(b) any development control plans prepared for the land to which the application relates	
(b1) to the extent to which it applies to land within Sydney Olympic Park, the "Environmental Guidelines" within the meaning of the Sydney Olympic Park Authority Act 2001 and any plan of management referred to in Section 34 of that Act,	The development application was referred to Sydney Olympic Park Authority for comment and concerns raised have been taken into consideration in the assessment of the application.

Requirement	Comment
(c) the appearance, from the waterway and the foreshores, of the development,	The proposed DBS and marina will be located within the waterway, being Homebush Bay. The building and marine structure will provide a visual interest in the area.
(c1) the impact of the development on significant views,	The proposal does not impact upon any significant view lines.
(d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability	The development will have no adverse impacts in terms of drainage, flooding or wetland diversity.
(e) the extent to which the development encompasses the principles of ecologically sustainable development,	The development provides opportunities in this regard, as reflected within the submitted Energy Efficiency and Sustainability report. The proposal will incorporate a renewable energy photovoltaic and solar water system and rainwater tank.
(f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds,	The proposed development will not impact on the natural environment, subject to compliance with management and mitigation measures contained within the various reports submitted with the application, including the CEMP and OEMP (and revised as required through consent conditions).
(g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites	The subject site is not a heritage item or within a heritage conservation area.
Clause 19 Flood Prone Land	The development is located on the water at Homebush Bay. Impacts of flooding and climate change have been assessed and are considered acceptable.
Clause 20 Contaminated land	This issue has been discussed elsewhere within the report (SEPP55 assessment).
Clause 20A Acid sulphate soils	<p>An acid sulfate soils management plan has been submitted. The management plan has been developed for the purpose of guiding construction activity and site management to mitigate the impacts of potential and actual acid sulfate soils (PASS and AASS) on the surrounding environment during the construction of the dry boat store, marina and rowing club. It contains the following management measures:</p> <ul style="list-style-type: none"> - excavation procedures - spoil storage and treatment - dewatering and groundwater management - measures for protection of surrounding areas from the potential risk of acid contamination - contingency measures.
Part 4 Protection of the natural environment and heritage items	<ul style="list-style-type: none"> • The subject site is not located in the vicinity of an environmental conservation area.

Requirement	Comment
	<ul style="list-style-type: none"> • The subject site does not contain any items of heritage and is not identified as a conservation area under Schedule 4. • The proposed development will not have any impact upon any identified places or potential places of aboriginal significance. • The subject site is not identified as an archaeological or potential archaeological site.

3.7 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

The relevant requirements and objectives of this policy have been considered in the following assessment table. It is noted that some matters, such as visual impacts have been discussed in more detail under Part 5.2 – Sydney Harbour Foreshores and Waterways Area DCP 2005.

Requirement	Comment
Part 1 Preliminary	<p>The proposed development is consistent with the aims of the plan, including:</p> <ul style="list-style-type: none"> • ensures that the foreshores and waterway is recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset for existing and future generations • achieves a high quality and ecologically sustainable urban environment • encourages a culturally rich and vibrant place for people • ensures accessibility to and along Sydney Harbour and its foreshores.
Part 2 Planning principles	The proposed development is consistent with the planning principles of the plan.
Part 3 Foreshores and Waterways Area	<ul style="list-style-type: none"> • The proposed development is permissible within the zoning applying to the water area • The impacts upon biodiversity, ecology and environment protection have been taken into consideration in the assessment and found to be acceptable • The development will improve public access to and from the waterways for recreational purposes (such as boating), without adversely impacting on the waterway and seeks to minimise disturbance of contaminated sediments • Maritime activities are part of the proposal to facilitate the maintenance of a working harbour • The application was referred to the Foreshores and Waterways Planning and Development Advisory Committee who raised no specific issues in relation to the proposed development.
Part 4 Strategic Foreshore Sites	The site is not identified as a Strategic Foreshore Site.
Part 5 Heritage Provisions	<ul style="list-style-type: none"> • The subject site does not contain any items of heritage or is in the vicinity of any heritage items

Requirement	Comment
	<ul style="list-style-type: none"> The proposed development will not have any impact upon any identified places or potential places of aboriginal significance. The subject site is not identified as an archaeological or potential archaeological site.
Part 6 Wetlands Protection	<p>An area of coastal saltmarsh is located at the end of the peninsula, approximately 215m north of Burroway Road, and within 100m of the proposed wet berth marina.</p> <p>These wetlands <u>are not identified</u> on the SREP Wetlands Protection Area Map and therefore are not subject to this part of the SREP.</p> <p>Notwithstanding this, a Marine Environment Assessment has been carried out and reports that the marina structure would not impact directly on intertidal habitats in this area and the marina structure does not extend to the main area of saltmarsh.</p>

3.8 Auburn Local Environmental Plan 2010

The relevant requirements and objectives of this LEP have been considered in the following assessment table.

Requirement	Comment			
Part 2 Permitted or Prohibited Development	The proposed development is permissible with consent.			
Part 4 Principal Development Standards	Control	Maximum	Proposed	Comply
	FSR	1.25:1	Nil floor space (Lot 203) 5037m ² or 0.55:1 (Lot 204) ✦	Yes
	Height	19m/25m/88m (Lot 203)	No buildings (Lot 203)	Yes
		25m (Lot 204)	25m max (Lot 204)	
✦ It is noted that the previous concept approval for the distribution of GFA (DA-40/2015) allocated a maximum GFA of 5000m ² to Lot 204. The proposed floor space is only marginally over this (0.74% variation) and is therefore generally consistent with the concept approval.				
Part 5 Miscellaneous Provisions	The majority of these controls are not relevant to the application. There are no heritage related matters that require further consideration.			
Part 6 Additional Local Provisions	<ul style="list-style-type: none">• An acid sulfate soils management plan has been submitted• There are minor earthworks proposed which will not impact upon the future use of the site or upon the amenity of adjoining properties. Appropriate conditions have been included in the recommendation regarding the quality of fill to be used.• There are no adverse flooding issues			

Requirement	Comment
	<ul style="list-style-type: none"> • The site is not affected by a foreshore building line • Essential services can be provided to the site (water, electricity, sewage, drainage and road access). • Boat sheds and marinas are permissible within the Maritime Precinct.

4. Draft Environmental Planning Instruments

There are no specific draft environmental planning instruments that apply to the development site.

5. Development Control Plans

5.1 Wentworth Point Precinct Development Control Plan 2014

The relevant requirements and objectives of this DCP have been considered in the following assessment table.

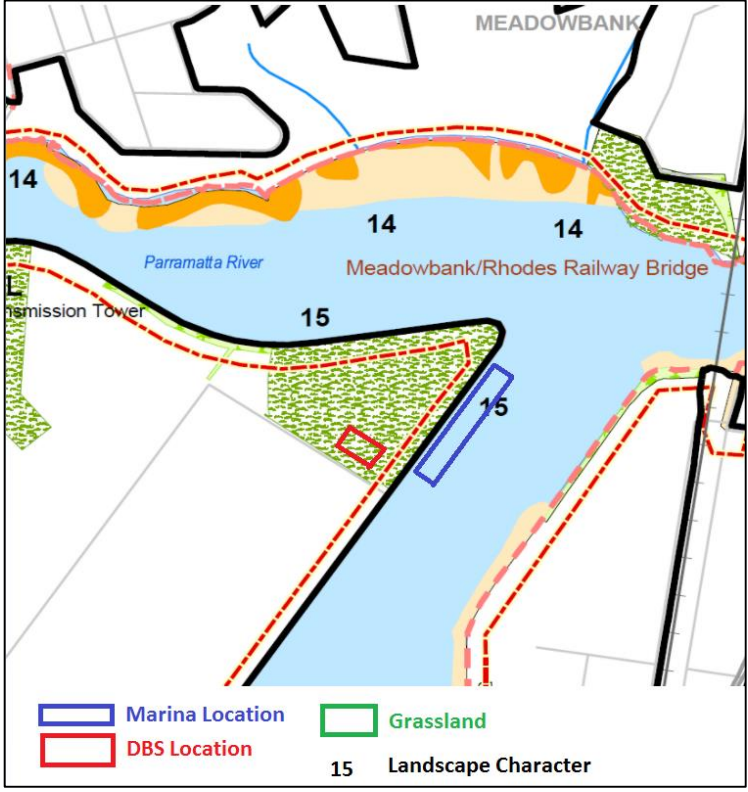
Requirement	Comment
Section 1.0 Introduction	The provisions of the WPP DCP is primarily applicable to the dry boat store and the public domain works. The majority of the wet berth marina is located outside the boundaries of this DCP.
Section 2.0 Vision, Principles and Indicative Structure	The portion of the development relevant to this DCP complies with the vision, development principles and indicative structure. It is noted that the dry boat store is identified in the structure plan as being residential however has a neighbourhood business zoning in the LEP. The access is located along the Homebush Bay foreshore path and integrates with the previous approval for the promenade establishment works.
Section 3.0 Public Domain	<ul style="list-style-type: none"> • The proposed wet and dry marinas are located adjacent to the pedestrian foreshore promenade. The facilities have been designed so to interface with the pedestrian/cycle path to avoid potential conflicts. • The development will not hinder the provision of a continuous shared pathway along the Homebush Bay foreshore. • The development is fringed with small scale retail uses such as shops and cafes that engage with and enliven the space.
Section 4.0 Private Domain	The building footprint is greater than the lengths specified within the DCP (which requires buildings with a length greater than 30m to be separated into at least 2 parts by a significant recess or projection). These controls however are intended for the residential built form and do not reflect the proposed use of the DBS. The nature of the DBS operation requires a large, rectangular form and it is not practical from an operational sense to divide the building mass into smaller components. Articulation to the built form is provided along the foreshore frontage and the two storey retail tenancies break up the massing to the building's northern frontage which will be the prominent

Requirement	Comment																				
	<p>frontage in the context of the future public domain. The southern and western frontages are treated with a visually interesting façade that makes use of a range of materials and architectural features to respond to the surrounds.</p> <p>The DCP requires the following setbacks:</p> <table><tr><th>Location</th><th>Required</th><th>Proposed</th><th>Comply</th></tr><tr><td>Promenade</td><td>25m</td><td>25m</td><td>Yes</td></tr><tr><td>Burroway Rd</td><td>5m</td><td>5m</td><td>Yes</td></tr><tr><td>North</td><td>3-5m</td><td>3m +</td><td>Yes</td></tr><tr><td>West</td><td>3-5m (to road)</td><td>6m</td><td>Yes</td></tr></table> <p>✦ The predominant building mass is setback 3m to the north, however an awning extends to the boundary at Ground Floor retail tenancies. This is in keeping with the DCP as it provides modulation and articulation to the future maritime precinct and weather protection.</p> <p>The building design and materials are considered acceptable and provide for a reasonable level of articulation (particularly adjoining the promenade and future marina square) and provide distinct and legible pedestrian entries. The proposal provides for an acceptable transitional space between the private and public domain.</p>	Location	Required	Proposed	Comply	Promenade	25m	25m	Yes	Burroway Rd	5m	5m	Yes	North	3-5m	3m +	Yes	West	3-5m (to road)	6m	Yes
Location	Required	Proposed	Comply																		
Promenade	25m	25m	Yes																		
Burroway Rd	5m	5m	Yes																		
North	3-5m	3m +	Yes																		
West	3-5m (to road)	6m	Yes																		
Section 5.0 Sustainability and Environmental Management	An Energy Efficiency and Sustainability Report has been submitted with the application. The development includes the use of photovoltaic systems, water tanks and energy efficiency fixtures and fittings.																				

5.2 Sydney Harbour Foreshores and Waterways Area DCP 2005

The relevant requirements and objectives of this DCP have been considered in the following assessment table.

Requirement	Comment
Section 1 Introduction	<p>This plan applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005. The subject site is located within this map.</p> <p>The DCP maps identify areas of ecological and landscape value for assessment purposes. This area is indicated below and discussed further within this table.</p>

Requirement	Comment
	
Section 2 Ecological Assessment	<p>The DCP map identifies the ecological community adjoining the rowing club as “grassland” with a low conservation status. Terrestrial ecological communities of low conservation value must be considered against the performance criteria below:</p> <p>Vegetation Protection – existing vegetation and natural features will be modified as a result of the previous infrastructure approval on the site. The approved works will improve the current environment with the construction and embellishment of a new public peninsula park.</p> <p>Reduce Predation Pressure – the application is for a commercial activity which will not necessitate fencing to contain domestic pets.</p> <p>Soil Conservation and Pollution Control – management plans have been submitted to address these issues. An appropriately detailed construction environmental management plan (CEMP) and operational environmental management plan (OEMP) will be further developed and approved by a site auditor and the NSW EPA.</p> <p>It is noted that the application was accompanied by a Marine Ecology Environmental Assessment which identifies potential risks and management/mitigation measures during construction and operation.</p>
Section 3 Landscape Assessment	<p>The DCP map identifies that Landscape Character Type 15 applies to this site. This area is characterised by</p>

Requirement	Comment
	<p>industrial and institutional uses in the foreground and residential development in the background. The following performance criteria are to be considered:</p> <ul style="list-style-type: none"> the industrial uses along the river are maintained and preserved. Pressure for these uses to relocate is minimised The character of Wentworth Point has transitioned from industrial to mixed use over recent years with the introduction of the Homebush Bay West DCP and the Wentworth Point Precinct DCP. With the introduction of these DCPs, the continuing industrial uses and development within the area was no longer deemed appropriate. Accordingly, the provisions within the SHF DCP in relation to the future character of Wentworth Point no longer reflect current planning policy and strategies. design and mitigation measures are provided between incompatible land uses to minimise noise and amenity impacts The marina (wet and dry berth) will form part of the maritime precinct, which is envisaged for this section of Wentworth Point. Notwithstanding this, an acoustic report has been submitted that states that the usage of the marina and car park would satisfy the recommended noise criteria. The report contains certain recommendations to address the minimisation of the impacts of the activities on future residential uses. Appropriate conditions are recommended in relation to minimising the impacts of the maritime operations. remaining natural elements along the foreshore are preserved to maintain the natural screen along the foreshore Existing vegetation and natural features will be modified as a result of the previous infrastructure approval on the site. Works including the upgrading of the seawall and provision of pedestrian access along a new promenade will improve the existing environment. vegetation is integrated within the development to minimise the contrast between natural and built elements. The new establishment of vegetation is included as part of the previous infrastructure approval on the site, and as part of the this application and is deemed satisfactory.
Section 4 Design Guidelines (Water & Land/Water Based)	The DCP provides detailed guidelines for development at the land/water interface. The proposal is consistent with the water and land/water-based interface design controls of the DCP in that it:

Requirement	Comment
	<ul style="list-style-type: none"> • Maintains safe and equitable access to the foreshore through the considered interface with the pedestrian foreshore promenade • A crime prevention report has been submitted which outlines the measures to be incorporated to reduce the opportunity for crime to occur to assist in providing a safe public access. This includes appropriate lighting • Will not impact on navigation or other recreation activities on the foreshore • Is designed sympathetically to its surroundings • Does not propose any obtrusive signage • Is compatible with criteria of landscape character type 15 and surrounding existing and proposed built form • Generally complies with the commercial marina requirements in terms of location, facilities, visual impact and environmental management. • A visual impact assessment is required for marina developments. This assessment has been carried by the applicant and found the proposal to be acceptable (this is discussed in detail further in this report). • No dredging or reclamation is required for the proposed development.
Section 5 Design Guidelines (Land Based)	<p>The proposed dry boat store is consistent with the land-based design controls of the DCP in that it:</p> <ul style="list-style-type: none"> • Maintains safe and equitable access to the foreshore through the considered interface with the pedestrian foreshore promenade • Has been designed to respond to the future built form of the area and uses materiality and façade treatments to avoid the appearance of a bulky and mundane building • Does not detrimentally impact view corridors to and from the water • Incorporates active uses to the waterfront • Encourages maritime uses within Homebush Bay and improves community access to the water as a recreation resource • Adequately mitigates any environmental impacts on surrounding land uses (such as noise and traffic). • Contains minimal signage and is appropriately located

6. Planning Agreements

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the EPAA.

7. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

8. Likely Impacts

Waste Management

A waste storage room and loading dock for waste collection has been provided on the ground floor of the DBS building for use by all maritime facilities, including the rowing club. Council's Waste Management Officer has reviewed the application and raises no concerns with the waste facility subject to the imposition of standard conditions of consent.

Crime Prevention

A Crime Prevention Through Environmental Design (CPTED) Assessment was submitted with the application. This report identifies opportunities for crime and mitigation and management strategies to avoid situational crime. A list of recommendations is provided, including the following:

- Ensure all public areas have adequate CCTV coverage, and that the CCTV infrastructure is consistently maintained.
- CCTV monitoring should take place concurrent with security patrols.
- Provision of appropriate lighting within the area
- Ensure an appropriate level of way finding and warning signs are installed, reinforcing public and private space
- Ensure a prompt response to environmental maintenance is prioritised in maintenance procedures
- Ensure public access to the proposed development is in-line with tenant's operating hours.

Appropriate conditions requiring compliance with the recommendations of the CPTED report are included in Attachment B.

Visual Assessment

A Visual Impact Assessment prepared by JBA was submitted with the development application which considers the visual impact of all the proposed maritime activities (rowing club, dry boat store and marina). This report identifies the visual catchment to the rowing club is relatively confined. The catchment can be characterised as highly urbanised with altered foreshores on the eastern and western foreshores of Homebush Bay. Both foreshores have been altered over time with the natural foreshore replaced with revetments. Some remnants of jetty structures associated with the former industrial uses remain in the vicinity of the marina site.



Extract from *Visual Impact Assessment*: Visual Catchment Area

The visual impact assessment makes the following conclusions:

A 'matrix assessment' of the proposal indicates that the maritime precinct would have a 'medium' visual impact, however this is considered higher than the actual impact of the proposal based on analysis of the before and after imagery. Overall, the Visual Impact Assessment found that:

- The marina wet berths will be seen against the backdrop of the revetment wall and the dry storage building and against significantly higher residential flat buildings
- The marina is located in front of a constructed rock revetment and does not block views toward any area of natural foreshore, the horizon or any other significant views
- The maritime precinct will provide a point of interest in an otherwise urban environment that is characterised by a long linear revetment
- The Wentworth Point Peninsula Park will continue to be seen above the boats berthed at the marina as the ground level at this point will be raised;
- Views from the Peninsula Park and promenade across the open water of Homebush Bay to the Rhodes Peninsula will largely be preserved
- The Burroway Road corridor will be redeveloped for high density residential buildings and the DBS and rowing club will not result in any adverse impacts to this corridor
- Although not identified as a view corridor, the view north-south along the public promenade is maintained.

In accordance with the above assessment, the visual impact of the proposed marina is acceptable and complements the vision of providing a maritime precinct for Wentworth Point.

Comment: The application was reviewed by Council's Urban Design Team who raised no concerns with the built structures or the visual impact of the structures. It is noted however that the proposed bridge across the launching channel will obstruct part of the north-south view corridor from a pedestrian perspective. This obstruction of view is unavoidable given the limited options of transporting the boats from the dry boat store to the water. Views are maintained past the pedestrian bridge in both directions.

In accordance with the above assessment, the visual impact of the proposed marina is acceptable and complements the vision of providing a maritime precinct for Wentworth Point.

Hours of Operation

The proposed hours of operation of the uses within the proposed development are as follows:

Activity	Proposed Hours	Comment
Dry Boat Store	Boat Access 7am to 7pm Ancillary Uses 7am to 10pm	No concerns are raised with these hours. These are consistent with the standard CDC hours.
Wet berth marina	No hours proposed	It is considered that the wet berth marina be restricted to the same hours as the dry dock boat store – being 7am to 7pm.
Retail	7am to 10pm	No concerns are raised with these hours. These are consistent with the standard CDC hours.
Car Park	24 hours	24 hour access to the car park facility is not deemed necessary as there are no approved uses that operate 24 hours within the vicinity of the car park. The 24 hour operation is also not deemed appropriate from a public safety aspect or from an amenity aspect for the future residential uses in close proximity. It is considered that access to this facility be restricted to 1am to allow for the midnight trial closing hours of the rowing club.

Conclusion

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework and previous approvals on the site. The impacts that arise are acceptable, subject to the imposition of appropriate conditions.

It is noted that the NSW EPA have raised a number of concerns that will need to be addressed before the issue of certification, or commencement, of the works. These have been included within the recommendations contained in Attachment B of this report.

9. Site Suitability

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Relationship with Other Approvals

The construction and operation of the proposed development will be partly reliant upon the following:

- DA-40/2015 (Auburn reference) which provides for the infrastructure works to be carried out including the Burroway Road cul-de-sac, earthworks, seawall and promenade works. This application has been approved.

Appropriate conditions have been included within Attachment B of this report that requires the relevant parts of the above development to be completed and certified before the operation of the premises.

The proposed development is also related to the following application (although is not dependent upon it):

- DA/643/2017 for the rowing club as the car parking, loading and waste facilities will be provided within the dry boat storage area. This application is pending determination.

10. Public Interest

10.1 Draft District Plans – West Central District

The draft District Plan sets out opportunities, priorities and actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level. Broadly, the priorities and actions within the draft plan for the West Central District are:

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected district
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

This application is consistent with the specific controls introduced by the Department of Planning and Environment and therefore accords with the draft West Central District Plan.

10.2 Public Submissions

In accordance with the notification procedures contained in Section 3.0 of Auburn DCP 2010 and legislative requirements, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 31 October 2017 and 2 October 2017 (30 days). No submissions were received.

The application was re-advertised and re-notified between 25 January and 26 February 2018 to include the use of Lot 203 (9 Burroway Road) for access to the marina facilities. Reference to this lot was omitted in the original DA form and subsequent original exhibition. No submissions were received.

AMENDED PLANS

Yes

Summary of amendments

The plans were amended with minor modifications to address loading and sustainability comments.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause 3.4.1 of the Auburn DCP 2010 notification procedures entitled "*Amended Applications*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

10.3 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Auburn LEP 2010 and the Wentworth Point Precinct DCP 2014
- The proposal will contribute to the overall activation of the foreshore and provide social and recreational facilities for the area
- The proposal does not result in any unreasonable environmental impacts and provides for an acceptable architectural and urban design outcome.

11. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

12. Development Contributions Plan

The development would require the payment of contributions in accordance with Part F (Employment Generating Development) under Auburn Development Contributions Plan 2007 (as amended). The Section 7.11 Contributions will be based upon the estimated cost of development.

The contributions payable will total \$270,062.23.

This figure is subject to the consumer price index as per the relevant plan and will be imposed under the subject application.

13. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is appropriately located within an area specifically earmarked for maritime facilities.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future users of the site and the environment. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The application is recommended for approval subject to the imposition of appropriate conditions.

14. Recommendation

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/644/2017 for the construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking and retail tenancies and a boat launching channel on land at 9-11 Burroway Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.

ATTACHMENT B - CONDITIONS OF CONSENT

SCCPP Reference:	2017SWC099
DA No:	DA/644/2017
Address:	9-11 Burroway Road – Wentworth Point

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/644/2017 for the construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking and retail tenancies and a boat launching channel on land at 9-11 Burroway Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

General Matters

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Drawing Name	Prepared By	Dated
Dry Boat Storage Facility – Project 16105			
DA001 – Rev H	Contents Page	Conybeare Morrison	26.07.2017
DA002 – Rev G	Plan – Location	Conybeare Morrison	26.07. 2017
DA003 – Rev H	Plan – Site	Conybeare Morrison	26.07. 2017
DA004 – Rev E	Site Analysis	Conybeare Morrison	12.12. 2017
DA0011 – Rev N	Plan – Ground Floor	Conybeare Morrison	09.04.2018
DA012 – Rev H	Plan – Level 1	Conybeare Morrison	26.07. 2017
DA013 – Rev K	Plan – Upper Levels	Conybeare Morrison	26.07. 2017
DA014 – Rev L	Plan – Roof	Conybeare Morrison	26.07. 2017
DA021 – Rev K	Elevation South-West	Conybeare Morrison	26.07. 2017
DA022 – Rev K	Elevation South-East	Conybeare Morrison	26.07. 2017
DA023 – Rev J	Elevation – North-East	Conybeare Morrison	26.07. 2017
DA024 – Rev G	Elevation – North-West	Conybeare Morrison	26.07. 2017
DA031 – Rev H	Section 1 Through Bridge	Conybeare Morrison	26.07. 2017
DA032 – Rev J	Section 2 Through PK & DBSF	Conybeare Morrison	26.07. 2017
DA041 – Rev F	Details - Facade	Conybeare Morrison	26.07. 2017
DA042 – Rev B	Details – Façade	Conybeare Morrison	26.07. 2017
DA071 – Rev B	External Materials Palette	Conybeare Morrison	26.07. 2017
DA101 & 102	Photomontages x 2	-	-
Marina Plans			
301015-03538-MA-DWG-0100 Rev D	Cover Sheet	Worley Parsons	29.03.2017
301015-03538-MA-DWG-0101 Rev H	Marina Layout Plan	Worley Parsons	25.07.2017
301015-03538-MA-DWG-0102 Rev E	Marina Sections	Worley Parsons	04.07.2017

301015-03538-MA-DWG-1102 Rev C	Typical Section	Worley Parsons	29.06.2017
301015-03538-MA-DWG-0201 Rev E	Marine Operations Plan	Worley Parsons	25.07.2017
Landscape Drawings – Concept Only – Refer to Conditions Revision			
Job No. 17532 Revision F Pages 1 to 13	Landscape DA documentation	Context	Feb 2018
Job No. 17532 Drawing L-2001 Revision G	Public Domain Alignment Plan	Context	09.04.2018
Job No. 17532 Drawing L-2002 Revision G	Public Domain Alignment Plan	Context	09.04.2018
Civil Engineering Drawing Set – Job No. 17067			
C-0-00 – Rev 2	Cover Sheet	Robert Bird Group	22.03.2018
C-1-01 – Rev 3	Erosion and Sediment Control Plan	Robert Bird Group	20.03.2018
C-1-10 – Rev 3	Erosion and Sediment Control Notes & Details	Robert Bird Group	20.03.2018
C-3-01 – Rev 5	General Arrangement Plan	Robert Bird Group	22.03.2018
C-3-10 – Rev 3	Civil Details	Robert Bird Group	20.03.2018
C-3-20 – Rev 2	Burroway Road Longitudinal Section – North	Robert Bird Group	22.03.2018
C-3-21 – Rev 2	Burroway Road Longitudinal Section – South	Robert Bird Group	22.03.2018
C-3-22 – Rev 2	Turning Head Longitudinal Section – North	Robert Bird Group	22.03.2018
C-3-25 – Rev 2	Burroway Road Cross Sections – Sheet 1 of 2	Robert Bird Group	22.03.2018
C-3-26 – Rev 2	Burroway Road Cross Sections – Sheet 1 of 2	Robert Bird Group	22.03.2018
C-4-01 – Rev 3	Pavement Layout Plan (<i>Concept Only – refer to Condition 14 for changes</i>)	Robert Bird Group	20.03.2018
C-4-10 – Rev 2	Pavement & Jointing Details	Robert Bird Group	20.03.2018
C-6-01 – Rev 6	Stormwater Management Plan	Robert Bird Group	22.03.2018
C-6-10 – Rev 1	Stormwater Longsections	Robert Bird Group	22.03.2018
C-6-60 – Rev 4	Proposed Stormwater Catchment Plan	Robert Bird Group	22.03.2018

Document Name	Document No.	Prepared By	Dated
Environmental Impact Statement	16789	JBA	28.07.2017
Geotechnical Report	Project 84357 – Rev 0	Douglas Partners	23.09.2014
Remediation Action Plan – Dry Boat Store	Project 2270635A – Rev D	WSP	15.11.2017

Interim Audit Advice	52782-112743	JBS&G	18.12.2017
Marina & DBS - Marine Environment Assessment	301015-03538-004 – Rev 2	Worley Parsons	26.07.2017
Marina Concept Study	301015-03538-MA-REP-002 – Rev 2	Worley Parsons	26.07.2017
Stormwater Management Plan	Project 17067C Issue B	Robert Bird Group	07.06.2017
Noise Assessment	47.7090.R1:GA/D T/2017 - Rev 02	Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report – Dry Boat Storage	Revision 2.1	Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment	16789	JBA	25.07.2017
Construction Environmental Management Plan (CEMP) Preliminary Outline – Draft (<i>concept - to be revised</i>)	Rev 1	Worley Parsons	26.07.2017
Operational Environmental Management Plan (OEMP) Preliminary Outline – Draft (<i>concept - to be revised</i>)	Rev 1	Worley Parsons	26.07.2017
Acid Sulfate Soil Management Plan	2270635A-CLM-REP-ASS Rev B	WSP	21.12.2017

Note: Some of the above approved documents will be in a concept form only as conditions of consent may require the submission of revised documents.

In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

- Physical commencement must occur in accordance with the requirements of Section 4.53(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard should physical commencement not occur by **(insert date 5 years from issue of consent)** the consent will lapse.

Reason: To provide certainty to the community as to when physical commencement must occur.

- All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) or relevant Australian Standard.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

- Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a construction certificate or certification under Section 6.28 of the Environmental Planning & Assessment Act, 1979. Plans, specifications and relevant documentation accompanying the construction certificate/certification must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

5. A reference in this consent to “certification of the works” means the certification of the building works (approved under this consent) under Part 6 of the Environmental Planning and Assessment Act, 1979, being either the issuing of a Construction Certificate **or** certification under Section 6.28 of the Environmental Planning and Assessment Act, 1979. In addition, any reference to “the certifier” means a Principal Certifying Authority, or person authorised to certify the works.

Reason: To confirm the requirements of this consent to be satisfied before the certification of building works.

Prior to the Certification of Works

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate/Certification drawings)

6. A site auditor is to be engaged for the duration of the remediation, construction and validation phases of the project. Details of the engagement of the site auditor are to be provided to the NSW EPA and Council before certification of the works. Any changes to the site auditor details are to be reported to the NSW EPA and Council as soon as practical.

Reason: To ensure mitigation of risks to human health and the environment are maximised during the construction phases of the development.

7. A detailed **Construction and Environmental Management Plan (CEMP)** is to be prepared and is to include, but not be limited to, the following:

- Outline measures for spill prevention and emergency response requirements
- Use of environmental safeguards, including full length silt curtains, being used during construction to ensure that there is minimal escape of turbid plumes (from the baseline) into the aquatic environment
- The inclusion of mitigation and management controls for all activities that have the potential to remobilise and transport sediment
- Management of use of boats and barges including:
 - restricting the number of boats/barges that can be in Homebush Bay during construction
 - restricting the draught of boats used during construction. Suitable boats that will result in minimal sediment disturbance must be used at all times
 - restricting the speed that the boats/barges can move while in Homebush Bay
 - restricting boat access at low tide to ensure less disturbance of sediments
 - restricting movement of barges/larger boats/floating plant (moved by propeller action) at low tide to ensure less disturbance of sediments
- Levels of turbidity outside of the controls to be measured continuously rather than solely visually observed
- A comprehensive monitoring plan that includes specific parameters to be monitored, sampling locations, frequency of data collection and data interpretation. Real-time feedback on turbidity should be incorporated into the monitoring plan to identify elevated turbidity levels early and trigger rapid management responses.

The detailed Construction and Environmental Management Plan (CEMP) is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the CEMP is to be submitted to Council and approved by the NSW EPA before the certification of the works.

Reason: To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

8. Deleted.
9. Deleted.
10. The following reports are to be prepared before the certification of any works:
 - (a) A revised acid sulfate soils management plan to incorporate estimate volumes of PASS which would be encountered at the site, and potential volumes to be treated or otherwise
 - (b) An asbestos management plan
 - (c) A construction quality assurance plan for design of gas/vapour control system plan
 - (d) A materials tracking plan
 - (e) A long term environmental management plan.

The above reports are to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the reports are to be submitted to Council and the NSW EPA before the certification of the works.

Reason: To ensure mitigation of risks to human health and ecology from remobilisation of contaminated sediments and comply with the recommendations of the site auditor.

11. Deleted.
12. A Landfill Gas Management Program for the management of landfill gas during the remediation phase, excavation phase and construction phases of the development be prepared to the satisfaction of the Site Auditor before the certification of works. The NSW EPA shall be provided a copy of the program and afforded the opportunity to comment before the final approval of the Site Auditor. This Program shall include reporting triggers and provision of ongoing surface and subsurface monitoring data and reporting to the NSW EPA in the event that unacceptable levels are reached on the site. Contingency actions are be detailed for the event that landfill gas is reported above safe thresholds, to ensure protection of remediation workers. The following criteria shall be used:
 - (a) For surface monitoring, surface emission threshold concentration for closer investigation and corrective action to be used is 0.05% v/v CH₄ (NSW EPA 2012, Guidelines for the Assessment and Management of Sites Impacted by Hazardous Ground Gases).
 - (b) For subsurface monitoring, the criterion specified in Section 5.3 of Environmental Guidelines: Solid Waste Landfills (NSW EPA, Second Edition 2016) requires notification to EPA within 24 hours and increase in monitoring frequency if trigger level is reached (1% v/v CH₄ and 1.5% v/v CO₂%).
 - (c) If gas monitoring finds unacceptable levels of ground gas at the site during the proposed excavation and construction, post construction or occupation phases, then RMS must report to the EPA within 48 hours of the incident - and immediately in the event that significant environmental harm is occurring or likely to occur. In the report, the remedial measures undertaken to render the site safe and minimise risk to the site users must be detailed.

Monitoring of the work area must be undertaken by a suitably qualified person using a GA5000 landfill and contaminated land portable gas analyser (or equivalent) during the following stages:

- (a) Surface monitoring (1) prior to commencement of works, (2) following completion of subsurface works and (3) prior to building construction to confirm absence of LFG emissions;

- (b) At the commencement of work each day;
- i) Following excavations into the subsurface materials;
 - ii) During any works which generate sparks, welding or use of open flames; and
 - iii) Where people are working in trenches.

Post-construction, a Validation and Verification Report must be issued outlining the gas protection measures adopted at the site, and an independent report validating the performance of these systems and verifying their adequacy before the issue of any Occupation Certificate/occupation of the premises.

Reason: To ensure landfill gas is appropriately managed and monitored on site.

13. Prior to the certification of works for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines (PDG);
- All the conditions listed in this consent.

Reason: To ensure the public domain is constructed in accordance with Council standards.

14. Notwithstanding the approved stamped concept drawings, the following requirements shall be included in the Public Domain Construction Drawings required in Condition 13 above:

(a) Footpath

For unit paving finishes, the footpath paving set out and details must comply with Council's design standards. A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

(b) Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards. Final finishes are to be resolved via a pre CC concept drawing set. Ramps are to be aimed to the ramp on the opposite side of the road.

(c) Vehicle Crossing

Council's standard vehicle crossing is to be provided in accordance with Council's design standards.

(d) Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must comply as follows.

- TGSIs are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009)
- TGSIs are not required on a landing where handrails continue through the landing.

(e) Clear Path of Travel (Shore-Lining)

A clear path of travel along the building line must be provided in accordance with DDA requirements.

(f) Sealant

Sealant is to be applied to all unit paved surfaces in the public domain in accordance with Council requirements.

(g) Non-slip surface

The applicant shall provide test results (after applying paving sealant) to prove all unit pavement materials and finishes used in the public domain and any plaza areas are **non-slip surfaces** that comply with a V5 rating (according to AS4586:2013) in both wet and dry conditions.

(h) Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation.

(i) Steps

Steps in public open space must comply with the following requirements:

- Equal height risers of 150-165mm, and equal width treads of 275-300mm.
- Level landing areas at the top and base of steps.
- Opaque risers
- Compliant contrast nosings for full stair width
- Non-slip surfaces in wet and dry conditions

(j) Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair (or centrally).
- Landing area designed to sufficiently accommodate the required TGSI and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.
- Clearance behind the handrail at least 50mm.

(k) Ramps

Ramps must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet and dry conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.

Note: Council's preference is to achieve ramps which do not require handrails.

(l) Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages on Burroway Road. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.

(m) Trees

The required street tree species, quantities and supply stocks are as follows:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Burroway Road	Cupaniopsis anarcardioides	Tuckeroo	200L	As Shown	As shown on the approved drawings or as agreed by Council's DTSU Manager

Note: Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.

The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height (above container)	Calliper (at 300mm)	Clear Trunk Height
100 litre	2.4 metres	50mm	1.4 metres
200 litre	2.8 metres	60mm	1.5 metres

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard (to be advised when paving system agreed) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

A structural pavement system is required around proposed street trees *in all paved areas* in the footway in Burroway Road and around the building to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates may be required depending on the detailed design of the selected pavement structure system.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the Public Domain Construction Drawings.

Trees and all planted areas must be provided with the required soil volumes and depths as follows:

- Trees located in deep soil – in accordance with the Public Domain Guidelines (refer Table 5.1)
- Any planting on bedrock or podium slabs and any planters (as applicable) – Apartment Design Guide (refer Section 4O, Table 5).

Calculations demonstrating soil volume compliance are to be included in the Public Domain Construction Drawings. Soil depth calculations are to be based on a maximum depth of 1m excluding any drainage layers.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** to be submitted to and approved by Council's DTSU Manager prior to the certification of works.

Reason: To comply with the Public Domain Guidelines.

15. Notwithstanding the approved stamped concept public domain drawings, final approval of the design layout, materials, paving pattern and planting in the public domain and publicly accessible areas around the building will be provided according to detailed design work and plant schedules prepared by the applicant for the Public Domain Construction Drawing submission. A preliminary design layout (50% design submission) is required to be submitted and signed-off by Council prior to the commencement of any detailed public domain construction drawings for the development.

Reason: To ensure the public domain is resolved before the detailed Public Domain Construction Drawings are prepared.

16. Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel. Details demonstrating compliance are to be submitted to the certifier prior to the certification of works and again prior to the issuing of an Occupation Certificate/occupation of the premises.

17. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations, shall encroach upon Council's footpath area or over adjoining properties unless prior consent from Council has been approved. Notwithstanding this, the channel entrance may extend into adjoining RMS land to provide access to Homebush Bay.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

18. The following sustainability measures are to be incorporated into the building and indicated with the construction drawings before the certification of the works:

- (a) all recommended measures contained within the Energy Efficiency and Sustainability Concept Report (Revision 2.1) prepared by Norman Disney & Young dated 26 July 2017
- (b) The installation of advanced indoor and outdoor lighting controls such as occupancy sensors and daylight sensors
- (c) A photovoltaic system of a minimum 10-15kW being installed on the roof of the building
- (d) An electric boosted evacuated tube solar hot water system included in the hydraulic design
- (e) A rainwater system of approximately 20kL.

Reason: To confirm the details of the application.

19. Access for people with disabilities from the public domain and all car parking areas to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted for the certification of the works. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

20. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the plans submitted for the certification of the works.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

21. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the plans submitted for the certification of the works and supporting documentation.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

22. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their certifier before the certification of the works.

Reason: To ensure Council's assets are not damaged.

23. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100 year level plus 500mm freeboard.

Reason: To ensure the structure can withstand flooding impacts.

24. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must be submitted before the certification of the works.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

25. A construction phase site emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the

protection of the site on the occasion of a Fire, Flood or other Emergency event. Details must be submitted for Council approval prior to the certification of the works.

Reason: To ensure an effective site flood emergency plan is provided.

26. The structure, piling and foundations for the proposed marina must be designed by a qualified and experienced marine/structural engineer to comply with AS4997 (2005) - Guidelines for the design of maritime structures. This includes design for the following actions:
- a) Permanent and imposed actions (dead and live loads) – vessel berthing, mooring loads.
 - b) Effects of scour and siltation, including temporary or permanent changes in the seabed level due to sediment movement.
 - c) Wave actions. Minimum 1/500 Annual probability of exceedance of design wave events, for function category 2 and 50-year design life. Consider reflected waves from the seawall interacting with incident waves.
 - d) Wind actions.
 - e) Boat wake/ propeller wash.
 - f) Debris actions (flood and storm surge).
 - g) Boat collision.
 - h) Current actions.
 - i) Hydrostatic actions – using the highest design water level.
 - j) Natural ocean level variation (associated with El Nino etc).
 - k) Sea level rise and changes in water levels due to climate change throughout the structures' design life.

The design must also consider combined loads, and possible superimposition of concurrent actions.

Reason: Structural safety.

27. A monetary contribution comprising **\$270,062.23** is payable to the City of Parramatta Council in accordance with Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 and the *Auburn Development Contributions Plan 2007 (Amendment 1)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the certification of the works.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *Auburn Development Contributions Plan 2007 (Amendment 1)* can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

28. The certification of works is not to be issued unless the certifier is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

29. An Environmental Enforcement Service Charge must be paid to Council prior to the certification of works. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

30. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the certification of the works.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

31. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the certification of the works.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/643/2017;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bond	\$25,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

32. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the certifying works, the certifier shall be satisfied that the operation on an individual piece of equipment or

operation of equipment in combination will not exceed LAeq 15 min 5dB (A) above the background level during the day when measured at the most affected point on or within a residential property boundary and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the most affected point on or within a residential property boundary.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the construction plans, certifying that all mechanical ventilation equipment or other noise generating plan in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

33. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for the certification of the works. The certifier must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

34. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the documents for the certification of the works:

Document Report	Date
Geotechnical Report Project 84357 – Rev 0 prepared by Douglas Partners	23.09.2014
Remediation Action Plan – Dry Boat Store Project 2270635A – Rev D prepared by WSP	15.11.2017
Interim Audit Advice 52782-112743 prepared by JBS&G	18.12.2017
Marina & DBS - Marine Environment Assessment 301015-03538-004 – Rev 2 prepared by Worley Parsons	26.07.2017
Marina Concept Study 301015-03538-MA-REP-002 – Rev 2 prepared by Worley Parsons	26.07.2017
Noise Assessment 47.7090.R1:GA/DT/2017 - Rev 02 prepared by Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report – Dry Boat Storage Revision 2.1 prepared by Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment 16789 prepared by JBA	25.07.2017
Construction Environmental Management Plan (CEMP) Preliminary Outline – Draft (concept - to be revised) Rev 1 prepared by Worley Parsons	26.07.2017
Operational Environmental Management Plan (OEMP) Preliminary Outline – Draft (concept - to be revised) Rev 1 prepared by Worley Parsons	26.07.2017

Note: Approval is not granted for any recommendations requiring work on public land, unless previous approval has been granted by Council.

The certifier shall be satisfied that the recommendations have been incorporated into the plans before the certification of the works.

Reason: To protect the amenity of the area and confirm the details submitted with the application.

35. Prior to the certification of the works, a further report including accompanying plans shall be submitted to the satisfaction of the certifier that provides details of the private contractor that will be engaged to collect commercial waste from the site. If Council is not the certifier a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

36. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

37. The applicant is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- the existing network can support the expected electrical load of the development
- a substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - Premise Connection Requirements.

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

Note: The applicant is advised to visit Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Reason: To comply with the requirements of Ausgrid.

38. Documentary evidence to the satisfaction of the certifier is to accompany the construction documentation confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

39. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany the construction documentation and be to the satisfaction of the certifier. A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

40. The dry boat store/car park facility is to include the following:
- (a) A minimum of 198 car spaces
 - (b) A minimum of 30 bicycle spaces within the lot as shown on the plans
 - (c) A minimum of 4 motorbike spaces within the car park
- Details are to be illustrated on plans submitted with the documentation for the certification of works to the satisfaction of the certifier.

Reason: To comply with Council's parking requirements.

41. A total of 5 accessible car-parking spaces must be provided as part of the total car-parking requirements (total car parking 198 spaces). These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for the certification of works to the satisfaction of the certifier.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

42. The certifier shall ascertain that any new element in the carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the documentation for the certification of works.

Reason: To ensure appropriate vehicular manoeuvring is provided.

43. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted for the certification of works.

Reason: To comply with Council's parking requirements and Australian Standards.

44. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

45. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

46. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

47. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

48. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

49. A detailed updated stormwater water sensitive urban design (WSUD) plan is to be submitted to the Team Leader Technical Specialists for approval prior to the certification of works. The plan must be fully implemented prior to the issue of an Occupation Certificate/occupation of the premises and maintained in perpetuity thereafter.

This detailed WSUD plan must incorporate:

- a) A high level of rainwater capture from the roof drainage system and proposals to use this water as a resource for the development.
- b) Method of treatment of the rainwater that is not harvested through a treatment train combining biological/landscape systems and if necessary 'end of pipe' proprietary treatment devices.

- c) One or more gross pollution traps prior to discharge of any stormwater into Homebush Bay/Parramatta River. This includes water from public domain areas and roads.
- d) MUSIC or equivalent modelling of how effectively the system achieves the pollution reduction targets required by the relevant Auburn and Wentworth Point DCPs.
- e) Long term maintenance details and responsibilities.

Reason: Environment protection and sustainability

50. The detailed updated overland flow design for the development (lot 204) is to be submitted to the Team Leader Technical Specialists for approval prior to the certification of works. This must demonstrate that overland flow can pass freely into the bay and is not impounded by the development along the entire length of new seawall and promenade and including the Burroway Road cul-de-sac construction as per the approved plans.

Reason: Environment protection.

Prior to Work Commencing

51. Prior to commencement of work, the person having the benefit of the Development Consent and certification of works approval must:
- (a) Appoint a certifier and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The certifier must determine and advise the person having the benefit of the certification of works when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

52. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site on land above mean high water mark to prevent unauthorised access. The fence must be installed to the satisfaction of the certifier prior to the commencement of any work on site.

Reason: To ensure public safety.

53. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the certifier;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

54. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

55. The detailed civil construction drawings for the reconstruction of the Burroway Road turning circle adjoining the site are to be submitted to the satisfaction of Council's Manager, Civil Assets before the commencement of any works on Burroway Road.

Reason: To ensure Council is satisfied with the final design of Burroway Road.

56. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the certifier, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

57. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the certifier. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (i) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (ii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iii) Location of any proposed crane standing areas,
 - (iv) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (v) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vi) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (vii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (a) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (b) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development

- requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- (i) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (c) Where applicable, the plan must address the following:
- (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (i) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (ii) Minimising construction related traffic movements during school peak periods.

The traffic management plan shall incorporate the provision of parking of worker's vehicles on the site.

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

58. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

59. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the certifier prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

60. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

61. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

62. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.
 - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

- 63. Details of the proposed reinforced concrete pipe-work within Burroway Road shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

- 64. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. This includes, but is not limited to, the following measures:

- i. A silt curtain
- ii. A minimum 500mm depth of pea gravel above the areas where piles are to be installed.
- iii. A water quality monitoring strategy within the river at the construction site.

In addition, the erosion and sediment control strategy must comply with the recommendations of the report 'Environmental Management Plan (Final), Homebush Bay Sediments, dated 06/11/2014, prepared by Thiess'. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

65. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

66. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

67. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building

waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

68. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property (unless specified). Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

69. Seawall reconstruction works within the site frontage, approved under DA-40/2015 (Auburn Reference), must be completed prior to commencement of foundation works for this development. Notwithstanding, concurrent construction may be carried out for the following works:

- Construction of the rowing club structures that interfaces the promenade including services.
- Construction of the Dry Boat Store channel, bridge, promenade structures and finishes
- Construction of the Marina interface of the entrance deck/platform
- Construction of the Kayak entrance platform structure

Reason: To protect the environment.

During Work

70. All work is to comply with the requirements contained within the approved Construction and Environmental Management Plan (CEMP) as approved through Condition 7 of this consent.

Reason: To minimise the impacts of construction on the environment.

71. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

72. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

73. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

74. All work including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Reason: To protect the amenity of the area.

75. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complaint; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the certifier upon request.

Reason: To allow the certifier/Council to respond to concerns raised by the public.

76. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

77. Works are not to result in sedimentation and/or run-off from the approved works onto the adjoining properties, public lands or the receiving waterway. The person having the benefit of this consent must ensure that sediment within Homebush Bay is not mobilised as a result of construction works.
Reason: To ensure no adverse impacts on neighbouring properties or the environment.
78. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.
Reason: To protect public safety.
79. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided before the issue of an Occupation Certificate/occupation of the premises.
Reason: To ensure Council's assets are appropriately constructed.
80. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
Reason: To ensure proper management of Council assets.
81. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
82. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
Reason: To confirm waste minimisation objectives are met.
83. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
Reason: To prevent pollution of the environment.
84. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.
Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.
85. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
- (a) Work Health and Safety Act 2011
 - (b) NSW Protection of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

86. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) and (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works

Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

87. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

Reason: To ensure imported fill is of an acceptable standard.

88. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Reason: To provide contact details for council inspectors and for the public to report any incidents.

89. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

90. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To ensure that contaminated groundwater does not impact upon waterways.

91. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

92. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact **Council's Inspection Officer** for each inspection listed below. At least **48 hour** notice must be given for all inspections.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; The contractor shall provide Council Officer the NATSPEC document to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

Note: Additional daily inspections by Council Officers may occur to view progressive paving set out and construction depending on the project size and type.

Reason: To ensure the quality of public domain works complies with Council standards and requirements.

93. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's Public Domain Guidelines. Certification is required to be provided before the issue of an Occupation Certificate/occupation of the premises.

Reason: To ensure Council's assets are appropriately constructed.

Prior to the issue of an Occupation Certificate or Occupation whichever occurs first

94. Occupation or use of the building or part of the building is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979, or until certification has been

provided that all conditions of the consent have been complied with, including the completion of all certified works.

Reason: To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

95. A detailed **Operational and Environmental Management Plan (OEMP)** is to be prepared and include, but not be limited to, the following:

- The inclusion of management and mitigation measures to ensure risks to future users of the marina are also considered and managed.
- The undertaking of annual hydrographic surveys of the facility for the first five years following completion of the facility. The survey should also include a water quality and benthic sediment quality and a contamination assessment. The annual assessment must assess for dioxin and DDT contamination, and water quality parameters, to determine the effects of the development compared to baseline (pre-construction) levels. Increased levels of contamination in environmental media sampled or a decrease in water quality must prompt immediate reporting to the NSW EPA and reassessment of management controls. Annual reporting should be submitted to the NSW EPA.
- Users of the marina facility should be informed and educated about the contamination issues within Homebush Bay and the requirements to minimise the remobilisation of sediments and their exposure to sediments. This should include adequately visible and clearly articulated signage visible from the pontoon to alert users before they enter the water.
- Any repairs to the facility undertaken that could disturb the sediment should be done in a manner that ensures minimal disturbance. In addition, the NSW EPA should be notified of any repairs or maintenance work that might disturb sediments.
- Measures for the enforcement of speed limits within the channel and appropriate usage of vessel channels
- Detailed design plans for the installation of the navigational channel and appropriate traffic controls
- The incorporation of a long term environmental management plan
- The provision of lighting to minimise light spill to waterways
- The development of provisions to ensure that watercraft does not encroach onto restricted "No Go Zones" including Haslams Creek (upstream of Bennelong Road Bridge) and the southern end of Homebush Bay (all waters to the east of Sydney Olympic Park Waterbird Refuge, including Powells Creek)
- Appropriate provision of litter bins.

The detailed Operational and Environmental Management Plan (OEMP) is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the CEMP is to be submitted to Council and approved by the NSW EPA before the issue of any Occupation Certificate/occupation of the premises.

Reason: To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

96. A covenant shall be registered on the title of the land and a copy of the title submitted to Council and the certifier prior to the issue of an occupation certificate/occupation of the premises, giving notice of the former use and contamination of the site and the existence of the contaminated material for the land-based component of works

Reason: To ensure that the encapsulated contamination cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

97. A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the capping materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the Environment Protection Authority. A copy of the title is to be submitted to Council and the certifier prior to the issue of an occupation certificate/occupation of the premises.

Reason: To ensure that the capping is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

98. Prior to the issue of an Occupation Certificate/occupation of the premises, the following easements shall be created over Lot 203 and Lot 204 as they relate to the usage of the premises:

(a) Pedestrian rights of way shall be created over the public domain areas on the site as follows:

- (i) To be created in favour of City of Parramatta Council; and
- (ii) Allow for 24 hour public access

(b) Right of carriageway over Lot 203 for the provision of emergency access

(c) Restriction of use/rights of carriageway over Lot 204 to enable the use of car parking spaces, waste facilities and loading facilities for the rowing club (in accordance with DA/643/2017) and the wet berth marina.

Reason: To confirm the details of the application and appropriate legal access to the premises and facilities.

99. Subject to the approval of the Parramatta Traffic Committee under Delegated Authority, the applicant shall submit an application to Council's Service Manager - Traffic and Transport regarding the installation of the parking restrictions on Burroway Road at least 4 months prior to the final occupation of the building as works instruction will need to be forwarded to Council's Trades Supervisor for implementation. The cost of supply and installation of the appropriate signs are to be paid by the applicant at no cost to Council.

Reason: To ensure that appropriate parking is provided before the occupation of the site.

100. Before the commencement of any use within the premises, details of the proposed signage (in accordance with the relevant signage zones approved within this consent) shall be submitted to, and approved by the Manager, Development & Traffic Services. Details shall include the materials used, signage dimensions, wording and illumination.

Reason: To ensure the signage detail complies with the provisions of State Environmental Planning Policy 64 – Advertising and Signage

101. The certifier shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

Document Report	Date
Geotechnical Report Project 84357 – Rev 0 prepared by Douglas Partners	23.09.2014
Remediation Action Plan – Dry Boat Store Project 2270635A – Rev D prepared by WSP	15.11.2017
Interim Audit Advice 52782-112743 prepared by JBS&G	18.12.2017
Marina & DBS - Marine Environment Assessment 301015-03538-004 – Rev 2 prepared by Worley Parsons	26.07.2017
Marina Concept Study 301015-03538-MA-REP-002 – Rev 2 prepared by Worley Parsons	26.07.2017

Noise Assessment 47.7090.R1:GA/DT/2017 - Rev 02 prepared by Atkins Acoustics and Associates Pty Ltd	July 2017
Energy Efficiency & Sustainability Concept Report – Dry Boat Storage Revision 2.1 prepared by Norman Disney & Young	26.07.2017
Crime Prevention Through Environmental Design (CPTED) Assessment 16789 prepared by JBA	25.07.2017
Construction Environmental Management Plan (CEMP) Preliminary Outline – Draft (concept - to be revised) Rev 1 prepared by Worley Parsons	26.07.2017
Operational Environmental Management Plan (OEMP) Preliminary Outline – Draft (concept - to be revised) Rev 1 prepared by Worley Parsons	26.07.2017

Certification from appropriately qualified consultants shall be submitted to the certifier confirming that all relevant works have been carried out or complied with before the issue of an Occupation Certificate/occupation of the premises.

Reason: To ensure the recommendations of the reports have been implemented within the development.

102. Prior to issue of the occupation certificate/occupation of the premises, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

103. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate or occupation of the premises.

Reason: To ensure appropriate electricity services are provided.

104. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued, or occupation of the premises permitted until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

105. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the certifier prior to the issue of the occupation certificate/occupation of the premises. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the certifier must compare

the post-construction dilapidation report with the pre-construction dilapidation report, and

A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

106. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate/occupation of the premises. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

107. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

The above is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate/occupation of the premises and a copy is to accompany the Occupation Certificate when lodged with Council.

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

108. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

109. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). It must also detail measures to be taken by the marina and dry boat store operators in the lead-up to inclement weather to secure boats/pontoons, to prevent them from becoming pollutants in the event of a flood. The report shall be submitted to the certifier prior to the issue of the Occupation Certificate/occupation of the premises. A copy of the report shall be forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

110. Warning signs are to be strategically posted around the site, particularly near entry points, to warn intruders of security measures in force (such as: “*Warning these premises are under constant surveillance*”) before the issue of any Occupation certificate/occupation of the premises.

Reason: To reduce the opportunity of crime and protect the amenity of the area.

111. Prior to the issue of any Occupation Certificate/occupation of the premises, the works outlined in the approved Public Domain Construction Drawings must be completed to Council’s satisfaction with a **final approval** obtained from Council’s Assets & Environment Manager.

The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation under this consent and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

Reason: To ensure the quality of public domain works is completed to Council's satisfaction.

112. Before the issue of an Occupation certificate, or occupation of the building, a car parking management plan shall be submitted to the satisfaction of the Manager, Traffic Services that outlines how the car park will operate and the securement of allocated car spaces for the rowing club uses.

Reason: To ensure the car park operates efficiently and in accordance with the relevant approvals.

The Use of the Site

113. The uses approved under this consent may not operate until such time as the car park has been constructed and is operational or an interim car parking arrangement is agreed by Council.

Reason: To ensure the appropriate timing of works.

114. The use of the premises approved under this consent cannot operate until such time as the relevant works under DA-40/2015 (Auburn Reference) associated with the use have been constructed and certified as complete (unless interim facilities/works are agreed to by Council and provided to support the Marina and Dry Boat Store). These works include (but are not limited to):

- *Remediation, earthworks, seawall, promenade construction along Homebush Bay lots 203 and 204.*
- *Burroway Road cul-de-sac including promenade and public domain works.*
- *The construction of the Dry Boat Store carpark and operational facilities for the rowing club.*

Reason: To ensure the appropriate timing of works.

115. The operation of the premises is to comply with the requirements contained within the approved Operational and Environmental Management Plan (OEMP) as approved through Condition 95 of this consent.

Reason: To minimise the impacts of construction on the environment.

116. A closed-circuit television system (CCTV) must be maintained on the premises in accordance with the following requirements:

- (a) The system must record continuously
- (b) Recordings must be in digital format and at a minimum of 15 frames per second

- (c) Any recorded image must specify the time and date of the recorded image
- (d) The system's cameras must cover all publicly accessible areas (other than toilets) on the premises.

The person acting upon this consent must also keep all recordings made by the CCTV system for at least 30 days, and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

Reason: To minimise the opportunity for crime to occur and comply with the requirements of the NSW Police.

117. The hours of operation are restricted to:

Activity	Hours of Operation
Wet berth marina	7am to 7pm daily
Dry boat store	
- Boat Access	7am to 7pm daily
- Ancillary	7am to 10pm daily
Retail Tenancies	7am to 10pm daily
Car Park	7am to 1am daily

Reason: To protect the amenity of the area.

118. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

119. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

120. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

121. A waste storage room is to be provided on the site and shall be constructed to comply with the following:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;

(e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements.

122. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

123. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

124. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

125. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

126. Separate waste bins are to be provided on site for recyclable waste.

Reason: To provide for the appropriate collection/recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

127. A trade waste agreement shall be obtained from Sydney Water prior to the discharge of any trade wastewater (including oily bilge) to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.

Reason: To ensure proper disposal of waste water.

128. No spray painting is permitted on the premises.

Reason: To protect the amenity of the neighbourhood.

129. All loading and unloading must take place within the designated loading area within the dry boat store located on the subject property and wholly within the site at all times.

Reason: To protect the amenity of the neighbourhood.

130. Any air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(ii) before 7.00am and after 10.00pm on any other day.

(iii) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and

(iv) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

131. Any retail tenancies are restricted from having alcohol stored on site unless they are authorised by a liquor licence.

Reason: To ensure the appropriate licences are obtained before the storage and/or sale of alcohol and protect the amenity of the area.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

NSW EPA Licensing

The applicant or person acting upon this consent will need to obtain the following licences from the NSW EPA:

- A Scheduled Development Works License under the provisions of the POEO before the commencement of any works in relation to this application
- An Environmental Protection Licence under the provisions of the POEO before the occupation of any building or structure in relation to this application.

It is recommended that you contact the NSW Environment Protection Authority to obtain the above licences as required.

Sydney Water Requirements

Sydney Water have advised of the following requirements for this development:

Water

- *Our initial strategic investigation shows that there is sufficient capacity in the trunk water system to supply drinking water to the proposed development.*
- *However, the existing 150mm water main on Burroway Road fronting the development site will need to be upsized to a 250mm water main to service the proposed site.*

Wastewater

- *There is no existing wastewater available to service the proposed development.*
- *Servicing the site will depend on the construction and completion of the pressure sewers proposed under Sydney Water cases 145024WW and 152313WW in proximity of the proposed site. Sydney Water gives no assurance of the stratus or timeframe of these works. For more information about these cases, please contact Water Servicing Coordinators: Qalchek Pty Ltd and MGP Building & Infrastructure Service Pty Ltd.*
- *The developer will need to construct a low -pressure wastewater main in Burroway Road connecting abovementioned sewers to service the proposed development.*

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 certificate.

More information about the Section 73 application process is available on the Sydney Water web page in the Land Development Manual.

Ausgrid Requirements – Proximity to Underground Cables

Ausgrid have advised of the following requirements for this development:

- There are existing underground electricity network assets in Burroway Road.

- There are existing Submarine cable in Parramatta River from the end of Burroway Road Wentworth Point. Ausgrid cannot guarantee the exact location of the cables.
- Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath.
- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.
- Should the existing submarine cables or any other Ausgrid assets require relocating due to the minimum safety clearances being compromised, this relocation work is generally at the developers cost via the contestability process.
- Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.